

Nativity scene displayed at Texas Capitol || Dallas Morning News

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## Trail Blazers Blog

### Nativity scene displayed at Texas Capitol

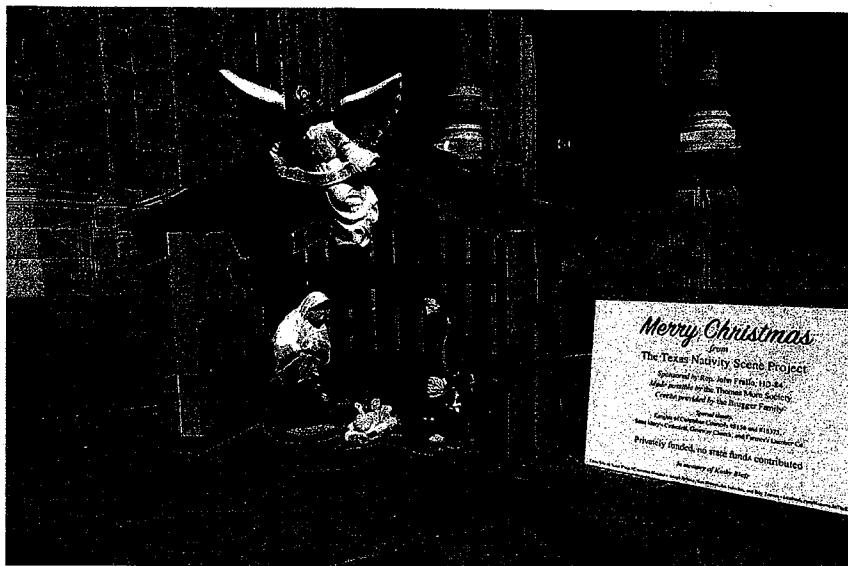


Brittney Martin

Published: December 15, 2014 2:22 pm

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AUSTIN—A nativity scene was unveiled at the Texas Capitol building Monday by a privately sponsored group looking to combat the “War on Christmas.”

The Texas Nativity Scene Project will display the scene in the basement of the Capitol for one week.



Archives



## Nativity scene displayed at Texas Capitol || Dallas Morning News

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"There's been very much an effort to drive Christ and Christians out of Christmas," said the project's spokesman Trey Trainor. He said the holiday season has become more about "focusing on self as opposed to focusing on the real reason that we have the holiday, and that is the birth of our Savior."

Trainor said so far the group has received no pushback in response to the religious display.

"As controversial as it has been in other places, here it's been a very welcoming process," Trainor said.

Groups wishing to display an exhibit like the nativity scene must have a legislative sponsor and submit an application to the State Preservation Board, which controls and manages the Capitol grounds and property.

"As an exhibit I think that people are free to interpret it as they wish to," said Preservation Board spokesman Chris Currens. "Ours is a much broader property management role in that we want to accommodate the public in many forms of expression as long as they follow the process that is spelled out in our rules."

Currens says his office has not received any complaints for allowing the nativity scene to be displayed, and said that other religious groups are welcome to apply to display an exhibit through the same process.

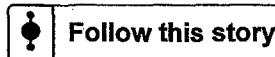
The American Civil Liberties Union of Texas said because the display is privately funded they don't have a legal objection to it.

"We trust that the public agency that manages the Capitol grounds will grant equal access to entities representing other faiths," said ACLU spokesman Tom Hargis.

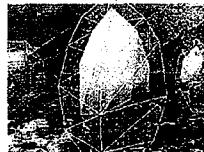
The Downtown Austin Alliance displays a Christmas tree and, starting tomorrow, a Hanukkah menorah on the south edge of the Capitol grounds. Currens said the group coordinates with the State Preservation Board, but is not required to apply as an exhibit because the display is outside of the Capitol gates.

Gov.-elect Greg Abbott's spokeswoman Amelia Chasse said he "supports the Preservation's Board decision to allow the display of the nativity scene."

Abbott offered to support Cherokee County earlier this month when the D.C.-based American Humanist Association threatened to sue over a nativity display at the county courthouse. Monica Miller, an attorney with the Association, said a lawsuit is in the works for the end of December or early next year.



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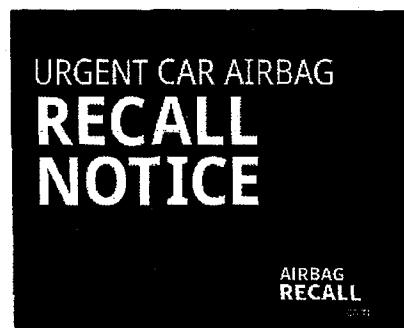
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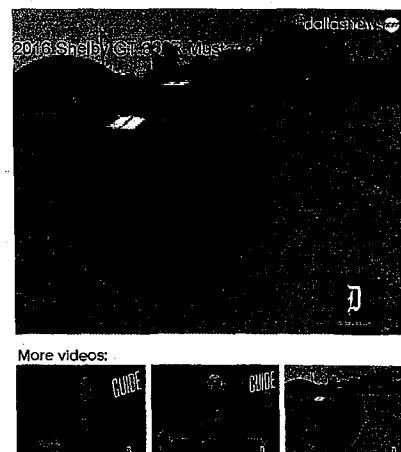
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## About this Blog

The blog for the Dallas Morning News politics team tracks Dallas Fort Worth area, Texas and national campaigns.



## Video



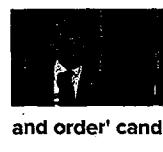
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# Nativity scene goes up at Texas capitol, comes down at Orange city hall

By Allan Turner | December 16, 2015 | Updated: December 16, 2015 5:26pm

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Photo: Pete Churton

EXHIBIT

2

tables'

Nativity scene goes up at Texas capitol, comes down at Orange city hall - Houston Chroni... Page 2 of 4

The area around Orange City Hall and Stark Park, across Green Avenue from the stark Museum of Art, is part of the city's downtown development plan. Pete Churton/The Enterprise

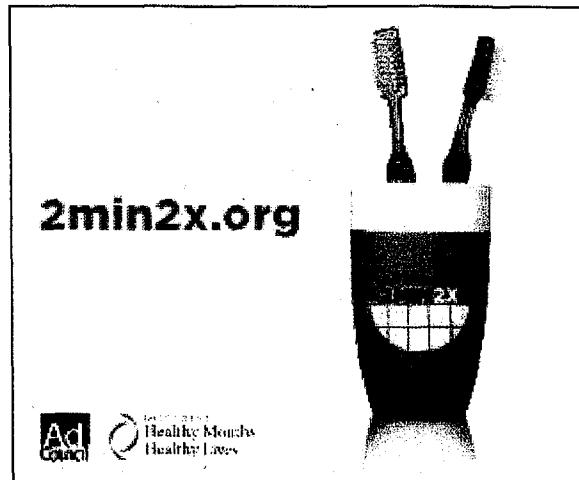
Two-foot-tall representations of Mary, Joseph and the infant Jesus – but no wise men – were set to take up residence in the Texas capitol Wednesday as a Lubbock state representative and a Chicago law firm specializing in religious issues endeavored to put Christ back into a public Christmas.

While nativity scenes in other locales, including Orange's city hall, have generated controversy, the capitol display apparently violates no laws. This year marks the second time the creche has been erected in the capitol.

The privately funded exhibit will be located in the South Gallery of the Capitol Extension Building, an area that traditionally has been set aside for artwork, photography, history and other public interest exhibits. Such exhibits are required to have a legislative sponsor.

The nativity scene's sponsor is Lubbock state Rep. John Frullo, who was scheduled to be among speakers at Wednesday's opening. Earlier this week, the Republican lawmaker, a Catholic, said he always had assumed a creche had been featured at the Texas capitol at Christmas. "When I was told it had never been done before, I said that I'd love to sponsor it," Frullo said. "Christmas is one of the biggest holidays of the year, and sometimes people forget what the real reason for it is."

The exhibit is co-sponsored by the Thomas More Society, which has supported installation of nativity scenes in the capitols of Illinois, Florida, Georgia, Michigan and Rhode Island and in front of the Oklahoma governor's mansion.



Nativity scene goes up at Texas capitol, comes down at Orange city hall - Houston Chroni... Page 3 of 4

"The nativity scene...represents constitutionally protected free speech and expression of religious faith by private citizens in a traditional public forum," said Thomas More Society president Tom Brejcha. "The government is neither censor nor endorser of such religious speech. In the capitol, where politically rallies are routinely held during government sessions, the government is merely gatekeeper upholding free speech."

Terri Burke, executive director of the American Civil Liberties Union's Texas chapter, said erection of the capitol nativity scene is "unfortunately legal."

"The numbers of religions in Texas today are innumerable, too many to count," Burke said. "To put a nativity scene in the rotunda, implying it represents the religion of all Texans, seems a bit disrespectful to other religions. But as long as the state government is not sponsoring it and the rotunda is routinely made available for exhibits, we can't really have a beef."

Confronted with Burke's criticism, Frullo responded: "As far as it bothering them, I can't speak to what somebody else feels."

Meanwhile, in Orange, City Manager Shawn Oubre said that a nativity scene erected at city hall would be removed by Wednesday after a local atheist organization asked that a generic "happy holidays" banner also be displayed. In a prepared statement, Oubre's office said the religious exhibit would be removed to "avoid legal costs."

Joshua Hammer, spokesman for Orange County Atheists, told the Beaumont Enterprise his organization had not planned to bring legal action against the city. "We didn't care that there was a nativity there as long as we could be included as well," he said. The atheist banner, which the city refused to permit, would have read, "Whether you are celebrating Saturnalia, Christmas, the Winter Solstice or any other holiday this time of year, the Orange County Atheists would like to wish you 'Happy Holidays!'"

Gov. Greg Abbott, who last year endorsed the capitol creche, urged Orange city administrators to "stand up to the demands of a select few who wish to see God thrown out of the public square."

Nativity scene goes up at Texas capitol, comes down at Orange city hall - Houston Chroni... Page 4 of 4

"As the U.S. Supreme Court has continually held, public acknowledgment of our religious heritage is entirely consistent with the constitution," the governor said in a prepared statement. "The constitution commands accommodation of religion rather than hostility towards it."

Elsewhere in the nation, the American Humanist Association Tuesday announced it would file a lawsuit against county officials in Gulfport, Miss., after they refused to remove a creche from the courthouse.

"Public nativity displays such as this one violate the establishment clause of the First Amendment," said David Niose, the humanist group's legal director. "It is not the place of government to endorse one particular religion or religion over non-religion, and that's precisely what this Christian display does."



**Allan Turner**

Reporter, Houston  
Chronicle

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# First Ever Nativity Scene Goes Up In State Capitol, With Little Fuss

By RYAN POPPE ([/PEOPLE/RYAN-POPPE](#)) • DEC 15, 2014

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Children Choir Singing In Front Of Nativity Scene On Display At The State Capitol

CREDIT RYAN E. POPPE





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A Catholic-supported group has been able to raise enough private funds to have a Nativity scene on display inside the Texas State Capitol, the week before Christmas. And the Texas Nativity Scene Project, the group that put this together, said the presence of the manger scene in the Capitol building is a win for those trying to keep the "Christ in Christmas."

The project, which sits on the ground floor at the Capitol, actually the basement level, was sponsored by Lubbock Republican John Frullo, and paid for by private donations to the group. The project needed to have a patron from the legislature, in order for it to be displayed at the Capitol.

However, the fact of it being privately funded, allowed it, according to group spokesperson Trey Trainor, to be given the go ahead by the Preservation Board at the State Capitol to be on display in the week before Christmas. There are clear signs stating that the Nativity scene is there because of a private group and is not the work of the State Capitol.

"The Texas Capitol is a place where people of all different dominations, all different political affiliations come together, and anyone really can apply to have a display in the Capitol and I would encourage them to do so," said Trainor.

He said that according to historical records, this was the first manger scene allowed to sit inside the State Capitol and called the display a win for uncovering the true meaning of Christmas. "I think there's been very much an effort to drive 'Christ' and 'Christians' out of Christmas, to make it a much more materialistic element of just gift-giving and focusing on self, as opposed to the real reason we have the holiday, which is the birth of our savior."

First Ever Nativity Scene Goes Up In State Capitol, With Little Fuss | Texas Public Radio Page 3 of 6

In a statement, the group American Atheists, which has been fighting for the separation of government and religion in any form for more than 50 years, said that though the display did mention that the scene was provided for by private donations, allowing it on the grounds of the Capitol bordered on public endorsement.

No groups, however, have protested the addition of the Nativity scene, and it will be up until early next week.

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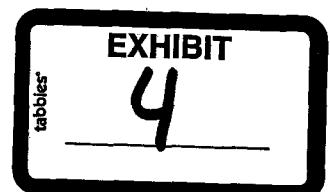
# Abbott backs Capitol nativity scene unveiled Monday

By Lauren McGaughy on December 15, 2014 at 12:22 PM

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AUSTIN – For the next week the Texas Capitol basement rotunda will be the home of a nativity scene sponsored by a state lawmaker, and with the verbal backing of Gov.-elect Greg Abbott.

The Texas Nativity Scene Project – a private group headed by Assistant Attorney General Joseph Behnke – state Rep. John Frullo, R-Lubbock and the Chicago-based Thomas More Society are sponsoring the display.

At the unveiling of the crèche outside of the Capitol on Monday, Behnke told the Chronicle the group had received "nothing but support" for the project.

"The primary purpose is really just the reason for the season: to keep Christ in Christmas," said Behnke. He said he was acting as a private citizen in his leadership of the project, and not as a representative of the Office of the Attorney General.

On Monday, Abbott spokesperson Amelia Chasse said the governor-elect supports the Capitol crèche. Earlier this month, he threw his backing behind a nativity scene erected by a Texas judge in Cherokee County.

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"Governor-elect Abbott supports the Preservation's Board decision to allow the display of the nativity scene," said Chasse. The Washington, DC-based American Humanist Association plans to file suit over the Cherokee County display in the coming weeks.

According to the State Preservation Board requirements, the Capitol basement rotunda is a public space for which any group can apply to place "any display of artwork...photographs; public service or general interest presentations; and historical displays." The group must have a legislative sponsor and the exhibit must have a direct public interest.

The Thomas More Society, a non-profit law firm that specializes in religious issues, is sponsoring similar nativity scenes in 9 other state Capitols this year. Here in Austin they have the support of Trey Trainor, a former General Counsel to the Texas Secretary of State.

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Trainor, speaking at the unveiling Monday, said he doesn't expect any litigation surrounding the case. He added a similar effort by the More Society to place a nativity scene in the national Capitol failed in 2012 after a legal challenge showed it violated Constitutional prohibitions against government-backed religious displays.

Since it's sponsored by a private group, however, Texas' nativity scene is unlikely to net any substantial legal challenges.

"As long as a private entity is paying for it, it's legal," said Terri Burke, the executive director of the Texas chapter of the American Civil Liberties Union, who added while she doesn't think it's a smart choice, her group doesn't have a legal objection to it. "I'm tempted to use that old Ann Richards' quote, that this is as close as three wise men are going to get to the Capitol, so we probably should leave it alone."

But Keith Werhan, the Ashton Phelps Chair of Constitutional Law at the Tulane University School of Law in New Orleans, said he thinks the need for a legislative sponsor could raise questions regarding the separation of church and state.

"It would seem to me that that's problematic. I think there could be a case on that," said Werhan. He said the group could avoid any possibility of litigation if they conform to the "Three Reindeer Rule" set forth by the U.S. Supreme Court, that a religious display does not violate Constitutional rules if it also includes secular symbols or representations from other faith traditions.

Trainor and Behnke both said they have no intention of including such additional symbols along with their nativity scene. The crèche will be on display in the Texas Capitol Rotunda until Dec. 22.

*Lauren McGaughy is a reporter in the Houston Chronicle's Austin bureau. She can be reached at lauren.mcgaughy@chron.com or on Twitter @lmcgaughy.*

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## Nativity Scenes

### Displaying the Nativity Scene in a Public Forum

*Legality of Private Citizens' Expressing Their Faith in the Public Square*

by Thomas Brejcha, Thomas More Society President and Chief Counsel



Nativity Scene in Illinois Capitol Rotunda

EXHIBIT

5

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The nativity displays represent a constitutionally protected expression by private citizens in a traditional or designated public forum. This is classic free speech, as well as citizens' free exercise of their religious faith in the public square, where the sole role of the government is that of a viewpoint-neutral gatekeeper assuring open access for all citizens to have their "say."

Government is neither censor nor endorser of such religious speech. The Christmas nativity display is privately funded and sponsored, bereft of any government aid or endorsement, and therefore it is clothed and armored with the full protection of the First Amendment of our U.S. Constitution.

It's private speech, not government speech, on a religious as opposed to a political topic. But the First Amendment protects religious speech, equally as political speech. If you can get up on your soapbox and plead for a candidate or point of view in a public forum, then equally you may get on the soapbox and proclaim the message of the Christ Child and salvation!

The Thomas More Society provides legal support to the American Nativity Scene Committee and its affiliates around the country. We defend the right to proclaim and demonstrate to the public and to the media alike (statewide and nationwide) that such private expressions of religious belief in the public squares of our nation are not merely tolerated but fully deserving of robust legal protection.

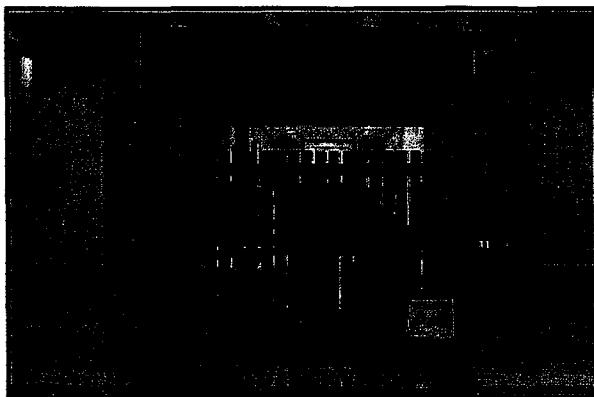
In 2014, Thomas More Society assisted in securing permits for nativity displays in the state capitols of Florida, Georgia, Illinois, Rhode Island, Texas, Michigan, and Nebraska, as well as in front of the Governor's mansion in Oklahoma, and in public places in 21 other states.

**Please hurry up to email us today if you are willing to assist in displaying a Nativity Scene in your State Capitol. The deadline is fast approaching! [info@thomasmoresociety.org](mailto:info@thomasmoresociety.org)**

\*\*\*\*\*

### Winning the “War on Christmas”

*by Sarah Halbur, Thomas More Society Director of Communications*



*Nativity Scene in Tallahassee, FL Capitol Rotunda*

For the eighth year in a row, all visitors to the Illinois capitol rotunda in December are greeted by a stable with statues of Mary, Joseph, and Baby Jesus. For 30 years, a nativity scene has graced Daley Plaza in Chicago. This year, the Capitol buildings in nine other states: **Arkansas, Florida, Georgia, Mississippi, Nebraska, Rhode Island, Texas, Washington, and Wisconsin**, as well as the Governor's Mansion in Oklahoma, will also house a nativity scene around Christmas-time.

The nativity displays represent classic free speech and freedom of religion by private citizens in the public square.

**The nativity scenes, however, have not gone up without a battle.**

30 years ago, a lawsuit against the nativity (and physical destruction of the statues in Daley Plaza!) nearly shut down the public message that Christmas celebrates the birth of Christ. Fighting against the ACLU, American Atheists, and their godless, heavily-funded organizations was not easy, but the free speech rights of Christians to proclaim their faith in public prevailed.

Thomas More Society has taken up the role of defending and equipping Americans around the country to display nativity scenes in their own state capitols and in other traditional and designated public forums. The Freedom from Religion Foundation has mocked our message, but we will not be silent. This year, along with the American Nativity Scene Committee, we're co-sponsoring the nativity displays in Illinois, Florida, Georgia, Missouri, Nebraska, Oklahoma, Rhode Island, and Texas. We're adding more every year.

**If your State Capitol building doesn't yet have a nativity display, let us know if you would like to sponsor one next year, and we will support your efforts!**

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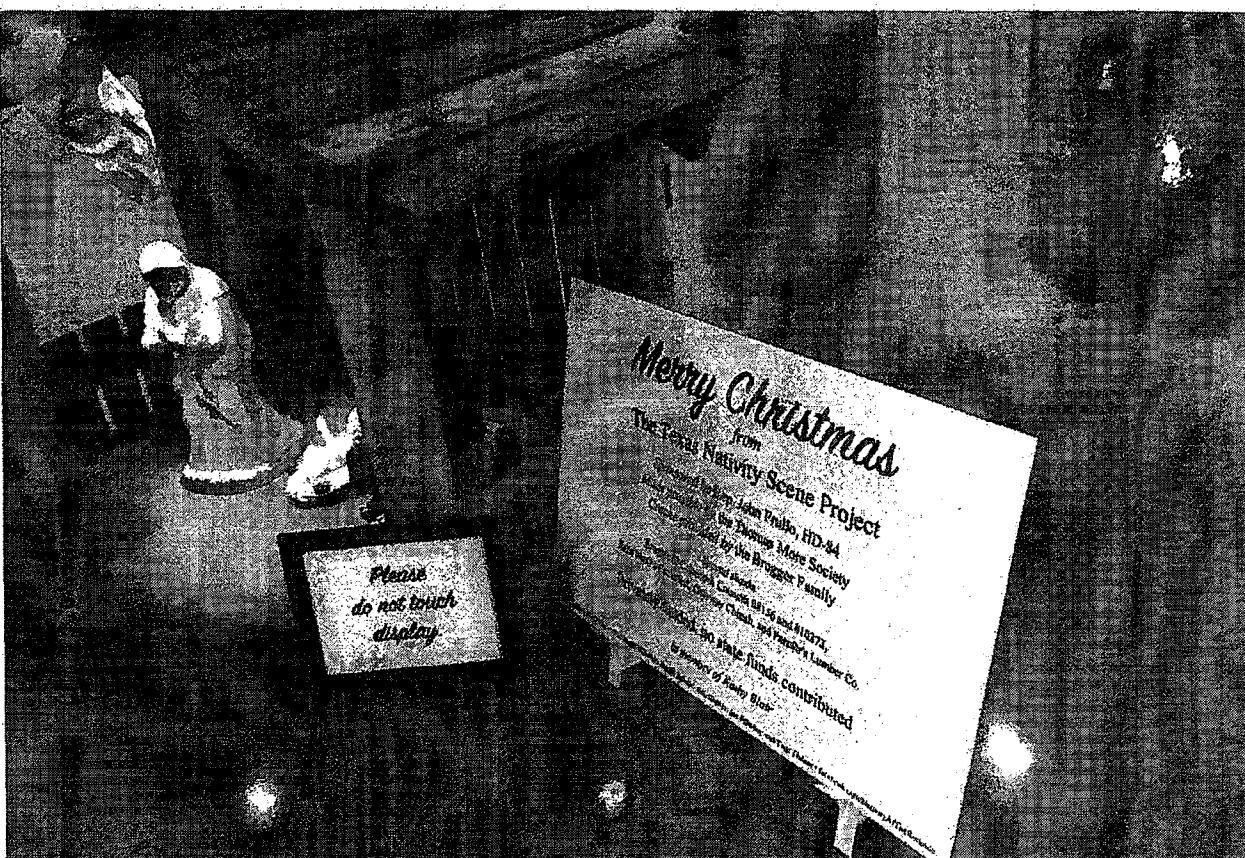
**From:** Robert Davis Robert.Davis@tspb.state.tx.us   
**Subject:** RE: FFRF display application  
Date: July 21, 2015 at 2:56 PM  
**To:** Sam Grover sgrover@ffrf.org

Thank you Sam,

I was just clarifying what I understood to be the statement of the new banner. I will run the new application by our folks here and be back in touch on that.

I also asked because we will request additional signage stating who the sponsor was as well as that no state funds went into the facilitation of the exhibit. This is in-keeping with what we required of the Nativity Scene display last year. I have attached a photo that I hope you will find legible (camera phone quality, sorry). If you can get all of this on a single sign with the language in your application, great. If not you may want to have a second sign with the logistical information, and some contact info. The “please do not touch” sign is something you will likely also want to explore.

**Robert Davis**  
**Capitol Events & Exhibits Coordinator**  
*State Preservation Board*  
512 463 3051 (phone)  
512 463 3372 (fax)  
*Sam Houston Building 950*  
201 E. 14th Street 78701  
PO Box 13286 Austin, TX 78711



**EXHIBIT**

6

**From:** Robert Davis <[Robert.Davis@tspb.state.tx.us](mailto:Robert.Davis@tspb.state.tx.us)>  
**Subject:** Event Approved: FFRF Display - Ground Floor Rotunda - December 2015  
**Date:** August 6, 2015 at 4:18:55 PM CDT  
**To:** Sam Grover <[sgrover@ffrf.org](mailto:sgrover@ffrf.org)>

This is a confirmation email that the following event(s) have been processed, approved and added to the calendar; shown here - <http://www.capecvent.legis.state.tx.us/capecvent.aspx>

I will likely be checking in with you as it approaches, particularly if there are extensive logistics involved. However in the meantime please get in touch if you have any questions.

**Bill of Rights and Winter Solstice Display**  
**Capitol Ground Floor Rotunda**  
Load in: Friday, December 18 2015 9:00am or later  
Load out: Wednesday, December 23 2015 by 8:00pm

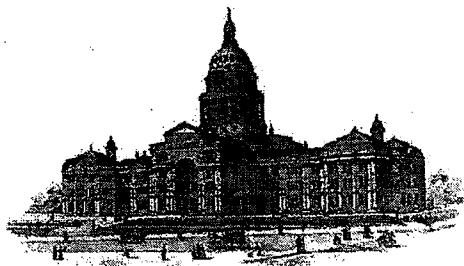
Sam,

Thanks for your patience. I have been sick following a weeklong vacation in the time we last spoke so I apologize if I've been off the grid. Couple of attachments for you: One is my altered and initialed application featuring the date changes we discussed. A message that I wasn't sure if you'd responded to – it's a photo from last year's nativity scene display. We would like to see the FFRF post a similarly worded sign accompanying your display, mentioning the sponsor, and that it was privately funded and displayed.

Thanks!

**Robert Davis**  
**Capitol Events & Exhibits Coordinator**  
*State Preservation Board*  
512 463 3051 (phone)  
512 463 3372 (fax)  
*Sam Houston Building 950*  
201 E. 14th Street 78701  
PO Box 13286 Austin, TX 78711

**EXHIBIT 2**

**Submit Form**

## STATE PRESERVATION BOARD

### **REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION**

**CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 463-3372**

**Instructions:** Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

**\*\* Exhibits are prohibited in the Capitol Rotunda.**

**\*\*There are no electrical outlets in the Central Galleries on the E2 level.**

2. Exhibit Name Bill of Rights nativity and Winter Solstice display  
 3. Date(s) and time(s) requested Dec. 21, 2015 @ 9AM - Dec. 25, 2015 @ 5PM  
 4. Sponsoring Organization Freedom From Religion Foundation  
 5. State Official Sponsor Representative Donna Howard  
(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)  
 6. Contact Name: Sam Grover, FFRF  
 7. Address: PO Box 750 Madison, WI 53701  
 8. Phone Number 608-256-8900 Fax Number 608-204-0422  
 Email Address capitoldisplay@ffrf.org



9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.  
 Cutout figures celebrating the December 15 nativity of the Bill of Rights. The figures will be self-standing and will be approximately life-sized. The Statue of Liberty will be approximately the same size as the other figurines (not life-sized). Enclosed is an artist's mockup and diagram of what the Bill of Rights nativity might look like.  
 The display will also include a banner celebrating the Winter Solstice (which occurs this year on December 22). A photo of a banner of approximately the same dimensions and with the proposed wording is enclosed.

FFRF000012

10. Purpose of exhibit.  
To educate the public and celebrate the 224th anniversary of the ratification of the Bill of Rights on December 15, 1791.  
Also, to celebrate to Winter Solstice on December 22 and to educate the public about the religious and nonreligious diversity within the State.

11. Exhibit time schedule. Please be specific.

Set up date and time: Dec. 21, 2015 @ 9AM End date and time: Dec. 25,2015@5PM

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

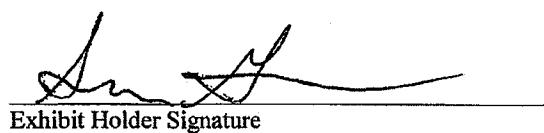
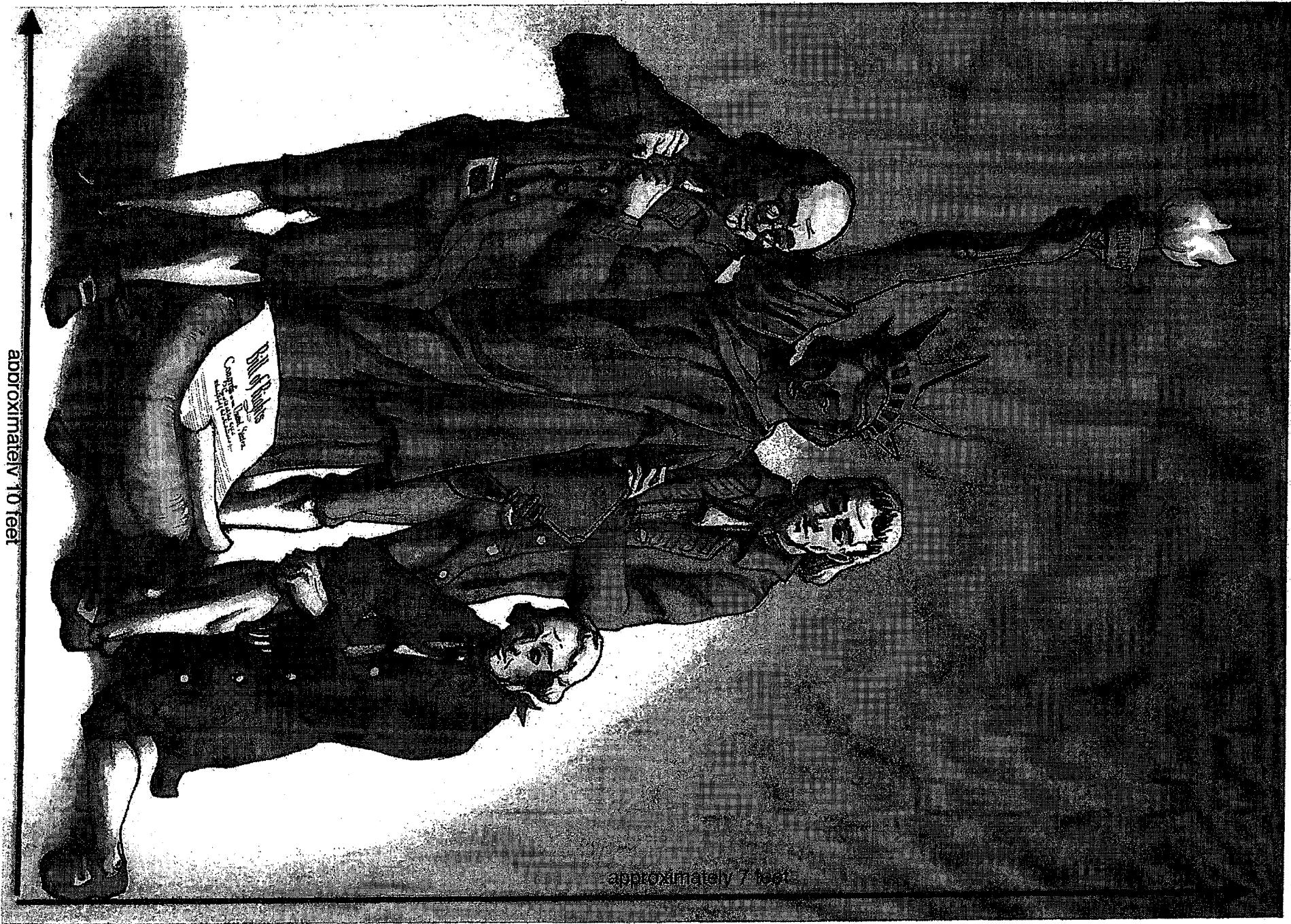


Exhibit Holder Signature

7/7/15  
Date



FFRF000014



FFRF000015

## State Preservation Board Event & Exhibit Sponsorship

Event/Exhibit Name: Bill of Rights nativity and Winter Solstice display

Event/Exhibit Date(s): \_\_\_\_\_

Event/Exhibit Location: Ground Floor Rotunda  
(South Steps, Grounds, Capitol Rotunda, Open Air Rotunda, South or North Central  
Gallery, Ground Floor Rotunda)

Purpose of Event: To educate the public and celebrate the 224th anniversary of the ratification of  
the Bill of Rights on December 15, 1791.  
Also, to celebrate to Winter Solstice on December 22 and to educate the public  
about the religious and nonreligious diversity within the State.

Office Sponsoring Event: Rep. Donna Howard

Signature of State Official Sponsor: Donna Howard

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Please fax completed form to the Capitol Events Coordinator at 512-463-  
3372 or Email to Capitol.Events@tspb.state.tx.us.

Revised 9/2014

D000007

**Submit Form**

**REVISED APPLICATION**  
(original filed July 7)



**STATE PRESERVATION BOARD**

**REQUEST FOR EXHIBITS  
IN THE CAPITOL AND  
CAPITOL EXTENSION**

**CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 463-3372**

**Instructions:** Please complete the entire application. Incomplete applications will not be considered.  
If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or  
[Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

**\*\* Exhibits are prohibited in the Capitol Rotunda.**

**\*\*There are no electrical outlets in the Central Galleries on the E2 level.**

2. Exhibit Name Bill of Rights nativity and Winter Solstice display
3. Date(s) and time(s) requested Dec 18 2015 - Dec 23 2015 Rm C  
8/4
4. Sponsoring Organization Freedom From Religion Foundation
5. State Official Sponsor Representative Donna Howard  
(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)
6. Contact Name: Sam Grover, FFRF
7. Address: PO Box 750 Madison, WI 53701
8. Phone Number 608-256-8900 Fax Number 608-204-0422
- Email Address capitoldisplay@ffrf.org



9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.  
 Cutout figures celebrating the December 15 nativity of the Bill of Rights. The figures will be self-standing and will be between 4 and 6 feet tall. Enclosed is an artist's mockup and diagram of what the Bill of Rights nativity might look like.  
 The display will also include a banner (approximately 7 x 4 feet) which will read, "Happy Winter Solstice / At this Season of the Winter Solstice, we honor reason and the Bill of Rights (adopted December 15, 1791) / Keep State & Church Separate / On behalf of Texas members of the Freedom From Religion Foundation."

D000001

10. Purpose of exhibit.  
To educate the public and celebrate the 224th anniversary of the ratification of the Bill of Rights on December 15, 1791.  
Also, to celebrate the Winter Solstice on December 22 and to educate the public about the religious and nonreligious diversity within the State.

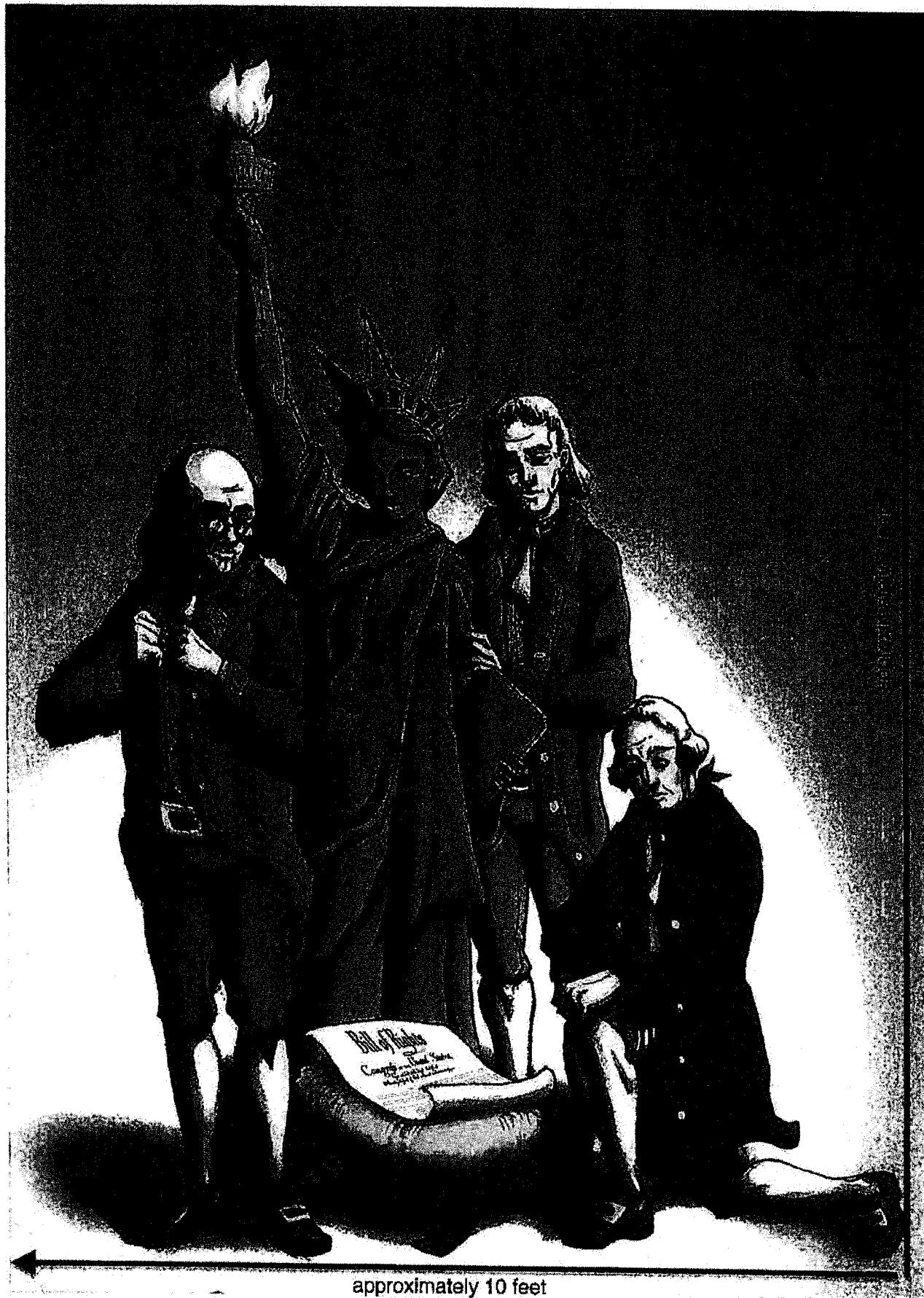
11. Exhibit time schedule. Please be specific.

Set up date and time: Dec. 21, 2015 @ 9AM End date and time: Dec. 25, 2015@5PM

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

  
Exhibit Holder Signature

7/20/15  
Date



approximately 10 feet

D000003

# FREEDOM FROM RELIGION foundation

P.O. BOX 750 • MADISON, WI 53701 • (608) 256-8900 • WWW.FFRF.ORG

May 29, 2015

«Title» «First\_Name»«Last\_Name»  
«Address»

Re: Atheist/Freethought Capitol Display Request

Dear «Title» «Last\_Name»:

We are writing on behalf of the Freedom From Religion Foundation and our more than 1,000 Texas members to request your assistance in celebrating the religious and nonreligious diversity within your state. FFRF is a nationwide nonprofit organization that works to defend the constitutional separation of state and church and to represent the views of nonbelievers. We have more than 22,500 members across the country.

As you may recall, last December, a private religious group placed a nativity scene on display in the Capitol's Ground Floor Rotunda. Prior to this nativity display, no one else had used the Texas Capitol to promote their personal religious beliefs.<sup>1</sup> This display was reportedly the first.<sup>2</sup> Now that the Capitol has been used to promote one religious group's beliefs, we ask that you support FFRF's efforts to diversify that expression, so as to celebrate the views of Texans who are part of a religious minority or have no religion at all.

A nativity scene is a sectarian, exclusively Christian symbol that does not represent the viewpoint of a large, increasing segment of the population. Today *nearly 30% of adults in the U.S. are non-Christian*, including 23% who are religiously unaffiliated.<sup>3</sup> And that number is rising. Among millennials, those born between 1981 and 1996, over 43% are non-Christian, either practicing a minority religion or no religion at all.<sup>4</sup> Conversely, atheism and agnosticism are on the rise in this country, and in Texas. In Texas, atheists and agnostics outnumber all other minority religious groups *combined* (including Jews, Muslims, Buddhists, Hindus, and other world religions).<sup>5</sup> And those who have no religious affiliation make up nearly one in five Texans.<sup>6</sup>

FFRF is asking for your help to ensure that the Texas Capitol remains an area that is welcoming and open to all Texans, regardless of religious or nonreligious viewpoint. We want to host a

<sup>1</sup> See David Scott, *Nativity scene to be placed in Texas Capitol rotunda*, KXAN (Dec. 11, 2014) ("[N]o one KXAN checked with could remember such a display ever being placed in the rotunda at the Texas statehouse.").

<sup>2</sup> See *id.*; Angie Beavin, *Nativity scene on display inside Texas Capitol*, KXAN (Dec. 14, 2014) ("Such a display has never been put up in the Texas Capitol building."); Shannon Murray, *Nativity scene unveiled at Texas Capitol*, KVUE (Dec. 15, 2014) (noting that the religious display was going up "[f]or the first time").

<sup>3</sup> *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015) available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

<sup>4</sup> *Id.*

<sup>5</sup> *Religious Landscape Survey*, PEW RESEARCH CENTER (May 12, 2015) available at [www.pewforum.org/religious-landscape-study/state/texas/](http://www.pewforum.org/religious-landscape-study/state/texas/).

<sup>6</sup> *Id.*

temporary display in the Ground Floor Rotunda that celebrates freethought and the United States as the first among nations to formally embrace the separation of state and church.

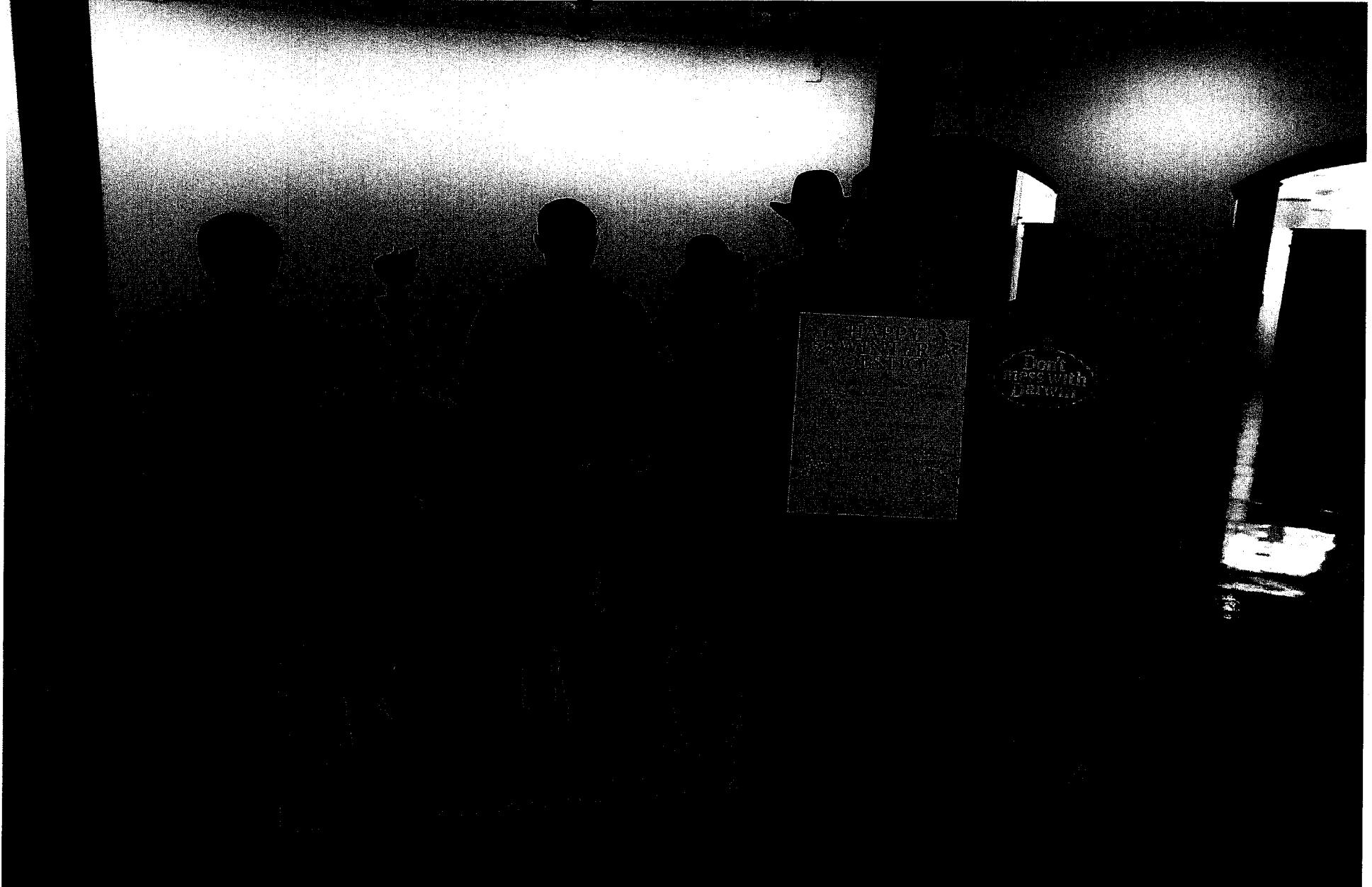
According to State Preservation Board policy, in order to erect our display we need a legislative or executive sponsor. Won't you please consider sponsoring our display? Please send your reply to [capitoldisplay@ffrf.org](mailto:capitoldisplay@ffrf.org). Thank you for your time and consideration. We look forward to working with you to celebrate religious and nonreligious diversity in Texas.

Very truly,

A handwritten signature in black ink, appearing to read "Dan Barker & Annie Laurie Gaylor". The signature is fluid and cursive, with a slight flourish at the end.

Dan Barker and Annie Laurie Gaylor  
Co-Presidents  
Freedom From Religion Foundation

ALG:stg



Case 1:16-cv-00233-SS Document 10-1 Filed 04/01/16 Page 1 of 3



GOVERNOR GREG ABBOTT

December 22, 2015

Mr. John Sneed  
Executive Director  
State Preservation Board  
201 East 14th Street, Suite 950  
Austin, Texas 78701

Dear Mr. Sneed:

It has come to my attention that State Preservation Board staff approved an application by the “Freedom From Religion Foundation” to display an exhibit on the ground floor of the Capitol. The exhibit is entitled “Bill of Rights [N]ativity and Winter Solstice [D]isplay.” The exhibit places the bill of rights in a manger and shows three founding fathers and the Statue of Liberty worshipping one of America’s founding documents as a replacement for Jesus Christ. This juvenile parody violates the Preservation Board’s regulations and should be removed immediately.

Regulations governing the State Preservation Board authorize the approval only of those Capitol exhibits that promote a “public purpose.” 11 TEX. ADMIN. CODE § 111.13(c)(2). The regulations speak directly to the standard for promoting a “public purpose”:

The promotion of the public health, education, safety, morals, general welfare, security, and prosperity of all of the inhabitants or residents within the state, the sovereign powers of which are exercised to promote such public purpose or public business. The chief test of what constitutes a public purpose is that the public generally must have a direct interest in the purpose and the community at large is to be benefitted. This does not include activities which promote a specific viewpoint or issue and could be considered lobbying. Political rallies, receptions, and campaign activities are prohibited in the public areas of the Capitol.

*Id.* § 111.13(a)(3). The “Bill of Rights Nativity” violates this legal standard in three ways.

First, far from promoting morals and the general welfare, the exhibit deliberately mocks Christians and Christianity. The Biblical scene of the newly born Jesus Christ lying in a manger in Bethlehem lies at the very heart of the Christian faith. Subjecting an image held sacred by millions of Texans to the Foundation’s tasteless sarcasm does nothing to promote morals and the general welfare. To the contrary, the Foundation’s spiteful message is intentionally designed to belittle and offend, which undermines rather than promotes any public purpose a display

Case 1:16-cv-00233-SS Document 10-1 Filed 04/01/16 Page 2 of 3

Mr. John Sneed  
December 22, 2015  
Page 2

promoting the bill of rights might otherwise have had. The Board has allowed and should continue to allow diverse viewpoints to be expressed in Capitol displays. But it has no obligation to approve displays that purposefully mock the sincere religious beliefs of others.

Second, the exhibit does not educate. According to the Freedom From Religion Foundation's application, the purpose of the exhibit is "to educate the public about the religious and nonreligious diversity within the State." But the exhibit does not depict *any* other religion, much less does it promote religious "diversity." And it promotes "nonreligious diversity" only insofar as it mockingly depicts Christians' religious worship. This is not an exhibit that spreads a secular message in an effort to educate the public about nonreligious viewpoints; it instead denigrates religious views held by others. There is nothing "educational" about that.

To the contrary, the exhibit promotes ignorance and falsehood insofar as it suggests that George Washington, Benjamin Franklin, and Thomas Jefferson worshipped (or would worship) the bill of rights in the place of Jesus. To take just one example, consider this passage from George Washington's prayer journal:

Direct my thoughts, words and work, wash away my sins in the immaculate blood of the lamb, and purge my heart by thy holy spirit, from the dross of my natural corruption, that I may with more freedom of mind and liberty of will serve thee, the ever lasting God, in righteousness and holiness this day, and all the days of my life. Increase my faith in the sweet promises of the gospel; give me repentance from dead works; pardon my wanderings, & direct my thoughts unto thyself, the God of my salvation; teach me how to live in thy fear, labor in thy service, and ever to run in the ways of thy commandments; make me always watchful over my heart, that neither the terrors of conscience, the loathing of holy duties, the love of sin, nor an unwillingness to depart this life, may cast me into a spiritual slumber, but daily frame me more into the likeness of thy son Jesus Christ, that living in thy fear, and dying in thy favor, I may in thy appointed time attain the resurrection of the just unto eternal life bless my family, friends & kindred unite us all in praising & glorifying thee in all our works begun, continued, and ended, when we shall come to make our last account before thee blessed saviour, who hath taught us thus to pray, our Father . . .<sup>1</sup>

Those are hardly the words of a man who would think of a document—however important it is—as a substitute for faith in God.

Third, the general public does not have a "direct interest" in the Freedom From Religion Foundation's purpose. That organization is plainly hostile to religion and desires to mock it—or, more accurately, to mock our Nation's Judeo-Christian heritage. But it is erroneous to conflate the foundation's private purpose with the public's purpose. If the Foundation simply wanted to promote the Bill of Rights or even to promote the supposed virtues of secularism, its effort might

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<sup>1</sup> See WILLIAM JACKSON JOHNSTONE, GEORGE WASHINGTON, THE CHRISTIAN 24-35 (1919).

Case 1:16-cv-00233-SS Document 10-1 Filed 04/01/16 Page 3 of 3

Mr. John Sneed  
December 22, 2015  
Page 3

have some public purpose. But it is hard to imagine how the general public *ever* could have a direct interest in mocking others' religious beliefs.

In that regard, experience from the National Endowment for the Arts ("NEA") is instructive. The NEA awarded a \$15,000 grant for a photograph of a crucifix immersed in a jar of urine. Congress immediately enacted statutory changes to ensure that the NEA would not dedicate public funds to "art" that violated "general standards of decency and respect for the diverse beliefs and values of the American public." In upholding the constitutionality of the federal law, the Supreme Court of the United States emphasized that governments have no obligation to provide support for indecent or disrespectful "art." That is just as true for the State of Texas as it was for Congress. The Constitution does not require Texas to allow displays in its Capitol that violate general standards of decency and intentionally disrespect the beliefs and values of many of our fellow Texans.

As Chairman of the State Preservation Board, I urge you to remove this display from the Capitol immediately.

Sincerely,



Greg Abbott  
Governor

**Robert Davis**

**Subject:** Thomas More Society - Christmas Nativity Scene  
**Location:** South Central Gallery  
**Start:** Wed 12/16/2015 12:00 PM  
**End:** Wed 12/23/2015 8:00 PM **5:00 pm**  
**Recurrence:** (none)  
**Organizer:** SPB ExhibitsCal

DATE INITIAL REQUEST RECEIVED: **11/12/14**

NAME OF GROUP REQUESTING USE: **Thomas More Society**

CONTACT FOR GROUP: **Joe Behnke**

TELEPHONE NUMBER: **737 932 1961**

EMAIL: **joe.behnke@gmail.com**

PURPOSE OF EVENT / EXHIBIT: **Citizen Exercise of Free Speech**

LEGISLATIVE SPONSOR: **Rep. John Frullo**

NUMBER OF ATTENDEES: **n/a**

CONTACT NAME / NUMBER IN MEMBER'S OFFICE: **Robin McEwan**

NOTES:

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- Entered on Outlook Calendar
- Application Received
- Sponsorship Form Received
- Fee Received/Amount: \$ \_\_\_\_\_
- Dock/Drive Access Received (if applicable)
- Use of Drive Addendum
- Entered in CARRS
- Confirmation Email Sent
- Electrician or Media Staff Notified
- DPS Notified (drive/dock access)
- SPB Staff Notified (setup/tents/trash)

**EXHIBIT**

tables\*

**12**

**Submit Form**



## STATE PRESERVATION BOARD

### REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION

**CONTACT: Capitol Events Coordinator**  
(512) 463-3051  
**FAX (512) 463-3372**

**Instructions:** Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  
 Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

**\*\* Exhibits are prohibited in the Capitol Rotunda.**

**\*\*There are no electrical outlets in the Central Galleries on the E2 level.**

2. Exhibit Name Christmas Nativity
3. Date(s) and time(s) requested December 16 (noon) - 23 (8 PM)
4. Sponsoring Organization Thomas More Society/American Nativity Scene Committee
5. State Official Sponsor Rep. John Frullo  
*(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)*  
Joseph Behnke
6. Contact Name: 913 Port Daniel Dr. Leander, TX 78641
7. Address: 737-932-1961
8. Phone Number joseph.behnke@gmail.com Fax Number \_\_\_\_\_  
Email Address \_\_\_\_\_
9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.  
Wooden stable with statue of Mary, Jesus, Joseph and angel  
Approx 5' x 5' x 5'

10. Purpose of exhibit.  
Citizens exercise of free speech

11. Exhibit time schedule. Please be specific.  
12/16/15, noon.

12/23/15, 8:00 PM

Set up date and time:

End date and time:

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

Exhibit Holder Signature



Date

09/10/15

2015-09-24 15:24

REP. FRULLO

(512)463-0072 >>

512 463 3372 P 1/1

## State Preservation Board Event & Exhibit Sponsorship

Event/Exhibit Name:

Christmas Nativity

Event/Exhibit Date(s):

December 16 - 23

Event/Exhibit Location:

(South Steps, Grounds, Capitol Rotunda, Open Air Rotunda, South or North Central  
Gallery, Ground Floor Rotunda)

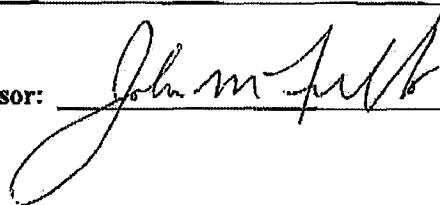
Purpose of Event:

Citizens Exercise of Free Speech

Office Sponsoring Event:

Rep. John Frullo

Signature of State Official Sponsor:



Please fax completed form to the Capitol Events Coordinator at 512-463-3372 or Email to Capitol.Events@tspb.state.tx.us.

**Robert Davis**

**Subject:** Thomas More Society  
**Location:** Ground Floor Rotunda

**Start:** Mon 12/15/2014 12:00 PM  
**End:** Mon 12/22/2014 5:00 PM

**Recurrence:** (none)

**Organizer:** SPB\_ExhibitsCal

DATE INITIAL REQUEST RECEIVED: **11/12/14**

NAME OF GROUP REQUESTING USE: **Thomas More Society**

CONTACT FOR GROUP: **Joe Behnke**

TELEPHONE NUMBER: **737 932 1961**

EMAIL: [joe.behnke@gmail.com](mailto:joe.behnke@gmail.com)

PURPOSE OF EVENT / EXHIBIT: **Citizen Exercise of Free Speech**

LEGISLATIVE SPONSOR: **Rep. John Frullo**

NUMBER OF ATTENDEES: **n/a**

CONTACT NAME / NUMBER IN MEMBER'S OFFICE: **Robin McEwan**

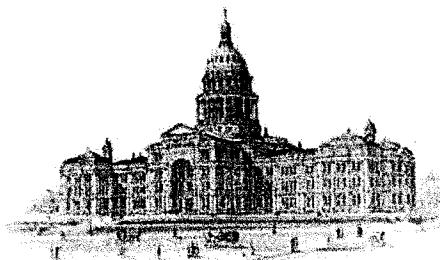
NOTES:

**SIGNAGE**

- Entered on Outlook Calendar
- Application Received
- Sponsorship Form Received
- Fee Received/Amount: \$ \_\_\_\_\_
- Dock/Drive Access Received (if applicable)
- Entered in CARRS
- Confirmation Email Sent
- Electrician or Media Staff Notified
- DPS Notified (drive/dock access)
- SPB Staff Notified (setup/tents/trash)



**Submit Form**



## STATE PRESERVATION BOARD

### REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION

CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 463-3372

**Instructions:** Please complete the entire application. Incomplete applications will not be considered.  
If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or  
[Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

**\*\* Exhibits are prohibited in the Capitol Rotunda.**

**\*\*There are no electrical outlets in the Central Galleries on the E2 level.**

2. Exhibit Name Christmas Nativity

3. Date(s) and time(s) requested December 15 (noon) - 22 (5 PM)

4. Sponsoring Organization Thomas More Society/American Nativity Scene Committee

5. State Official Sponsor Rep. John Frullo  
*(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)*

6. Contact Name: Joe Behnke

7. Address: 913 Port Daniel Dr. Leander, TX 78641

8. Phone Number 737-932-1961 Fax Number \_\_\_\_\_  
Email Address joseph.behnke@gmail.com

9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.  
Wooden stable with statue of Mary, Jesus, Joseph and angel  
Approx 5' x 5' x 5'

**D000998**

10. Purpose of exhibit.

Citizens exercise of free speech

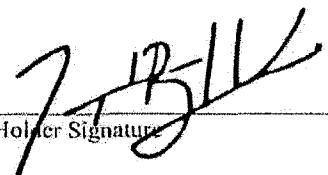
11. Exhibit time schedule. Please be specific.

Set up date and time: 12/15/14, noon.

End date and time: 12/22/14, 5:00 PM

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

Exhibit Holder Signature



11/12/14

Date

## State Preservation Board Event & Exhibit Sponsorship

Event/Exhibit Name:

Christmas Nativity

Event/Exhibit Date(s):

December 15-22

Event/Exhibit Location:

Ground Floor Rotunda  
(South Steps, Grounds, Capitol Rotunda, Open Air Rotunda, South or North Central  
Gallery, Ground Floor Rotunda)

Purpose of Event: Citizens Exercise of Free Speech

Office Sponsoring Event:

Rep. John Frullo

Signature of State Official Sponsor:

John Frullo

---

Please fax completed form to the Capitol Events Coordinator at 512-463-3372 or Email to [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

**From:** [Robert Davis](#)  
**To:** [Leslie Pawelka](#)  
**Subject:** FW: American Nativity Scene for Texas.  
**Date:** Wednesday, July 13, 2016 3:48:15 PM  
**Attachments:** [Tong v. Chicago Park District.pdf](#)  
[National Catholic Register 12-20-13 Nativity Scene TMS.pdf](#)  
[Cantrell v. Rumman.pdf](#)

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**From:** John Sneed  
**Sent:** Friday, October 03, 2014 3:59 PM  
**To:** Kasey Ellars; Robert Davis; Christopher Currens  
**Subject:** FW: American Nativity Scene for Texas.

All, please see the email below and the attachments. I would like to meet on this issue Monday to discuss. Is everyone available at 10:00 a.m. or 11:00 a.m.? Thanks.

John

**From:** Sarah Halbur [<mailto:shalbur@thomasmoresociety.org>]  
**Sent:** Friday, October 03, 2014 2:52 PM  
**To:** Ann Vay; John Sneed  
**Cc:** Jim Finnegan; Thomas Brejcha; Rebecca Deucher  
**Subject:** Re: American Nativity Scene for Texas.

Hello, Ann and John:

Ann: It was great to speak with you on the phone earlier this week about the possibility of arranging to set up a nativity scene in the Texas state capitol building this Christmas season.

John: I understand that you are the one who handles applications for these kinds of displays to be set up in the Texas state capitol building.

**Here is an overview of private citizens' rights to display the nativity scene in a public forum, from Tom Brejcha, President and Chief Counsel of the [Thomas More Society](#):**

The nativity displays represent a constitutionally protected expression by private citizens in a traditional public forum. This is classic free speech, as well as citizens' free exercise of their religious faith in the public square, where the sole role of the government is that of a viewpoint-neutral gatekeeper assuring open access for all citizens to have their "say."

Government is neither censor nor endorser of such religious speech. Thus, the Christmas nativity display is privately funded and sponsored, bereft of any government aid or endorsement, and therefore it is clothed and armored with the full protection of the First Amendment of our U.S. Constitution.

The Thomas More Society provides legal support to proclaim and demonstrate to the public and to the media alike (statewide and nationwide) that such private expressions of religious belief in the public squares of our nation are not merely tolerated but fully deserving of robust legal protection.

This is the 30th year that the Nativity scene has been displayed by private citizens in Daley



Plaza in Chicago, and the seventh year that it has been displayed in the capitol building in Springfield, IL. Private citizens are arranging to set up nativity scenes in several state capitol buildings around the country, this Christmas season, as well.

I have attached the following additional information for you:

1. Photos of the nativity scenes displayed last year in the Illinois and Florida capitol buildings
2. Decision in *Tong v. Chicago Park District* in favor of free speech and exercise of religious faith in the public square
3. Decision in *Cantrell v. Rumman* in favor of a citizen's right to hand out literature in a government building
4. National Catholic Register article on the American Nativity Scene Committee and Thomas More Society

Please let us know if you have any questions. Thank you!

Cordially,  
Sarah Halbur  
*Director of Communications*  
*Thomas More Society*  
19 S. LaSalle Street, Suite 603  
Chicago, Illinois 60603  
312-782-1680

On Tue, Sep 30, 2014 at 1:47 PM, <[Jimpfinn@aol.com](mailto:Jimpfinn@aol.com)> wrote:

Ann, sorry for the "missing dot." This should do it. I corrected it with Sarah Halbur, so you should get the information from Sarah shortly.

---

From: [Jimpfinn@aol.com](mailto:Jimpfinn@aol.com)  
To: [ann.vay@tspbstate.tx.us](mailto:ann.vay@tspbstate.tx.us)  
BCC: [breenp@gmail.com](mailto:breenp@gmail.com), [brejcha@aol.com](mailto:brejcha@aol.com), [shalbur@thomasmoresociety.org](mailto:shalbur@thomasmoresociety.org),  
[cpnoell@pobox.com](mailto:cpnoell@pobox.com), [ed.omalley@comcast.net](mailto:ed.omalley@comcast.net)  
Sent: 9/30/2014 12:56:34 P.M. Central Daylight Time  
Subj: (no subject)

Dear Ann,

I appreciated our opportunity to visit with you regarding the American Nativity Scene effort that places Nativity Scenes across our country. Shortly you will receive the information you asked for regarding this effort to share with Mr. John Sneed.

At present Nativity Scenes are celebrated in state capitol buildings in Illinois, Florida, Rhode Island, Wisconsin, Mississippi, Washington, and Arkansas.

The photos of several of these locations will follow. Our executive assistant Sarah Halbur will make certain you receive these. Texas, with its "Merry Christmas" law recently passed by your legislators, will especially appreciate this beautiful rendition of the true meaning of Christmas. Both you and Mr. Sneed can of course review our web site [www.americannativityscene.com](http://www.americannativityscene.com)

The Thomas More law center in Chicago has partnered with ANS in assuring the success of this

effort across America.. The Thomas More Society is located at 19 South LaSalle Street, Suite 603, Chicago, Illinois, 60603. Mr.Thomas Brejcha is founder and President. His contact number is 3123-782-1680.

Thank you for your assistance.

Mr James Finnegan Founder ANS  
460 East Lake Shore Drive  
Barrington, Illinois 60-010  
847-526-1152

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

CCOPY

FREEDOM FROM RELIGION FOUNDATION, §  
INC., §  
*Plaintiff,* §  
§  
v. § No. 1-16:cv-00233-SS  
§  
§  
GOVERNOR GREG ABBOTT AND JOHN §  
SNEED, EXECUTIVE DIRECTOR OF TEXAS §  
STATE PRESERVATION BOARD, §  
*Defendants.* §

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**DEFENDANTS' RESPONSES AND OBJECTIONS  
TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

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TO: Plaintiff, Freedom from Religion Foundation, Inc., by and through its attorney Richard L. Bolton, BOARDMAN AND CLARK, LLP, S. Pinckney St, Suite 410, Madison, Wisconsin 53703; delivered via electronic mail to rbolton@boardmanclark.com.

Respectfully submitted,

KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant Attorney General

BRANTLEY STARR  
Deputy First Assistant Attorney General

JAMES E. DAVIS  
Deputy Attorney General for Civil Litigation

ANGELA V. COLMENERO  
Chief, General Litigation Division

/s/Anne Marie Mackin  
ANNE MARIE MACKIN  
Texas Bar No. 24078898  
Assistant Attorney General



General Litigation Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
(512) 475-4080  
(512) 320-0667 FAX  
[anna.mackin@texasattorneygeneral.gov](mailto:anna.mackin@texasattorneygeneral.gov)

ATTORNEYS DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was delivered via electronic mail on this the 1st day of August, 2016, to:

Richard L. Bolton  
[rbolton@boardmanclark.com](mailto:rbolton@boardmanclark.com)

ATTORNEY FOR PLAINTIFF

/s/Anne Marie Mackin  
Assistant Attorney General

**DEFENDANT'S RESPONSES AND OBJECTIONS  
TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

**REQUEST NO. 1:** All documents relating to the application by the Freedom From Religion Foundation, Inc. ("FFRF") to exhibit a Bill of Rights display in the State Capitol.

**RESPONSE:** Defendants produce documents Bates numbered D00001-D000015. Defendants also refer Plaintiff to their Motion to Dismiss Plaintiff's First Amended Complaint, and the evidence appended thereto.

**REQUEST NO. 2:** All documents relating to FFRF's Bill of Rights display in the State Capitol, including all documents relating to any complaints, criticism, appreciation, or any other opinion regarding the display.

**RESPONSE:** Defendants object to this request as a fishing expedition because it is not calculated to lead to the discovery of relevant evidence. Subject to and without waiver of the forgoing objection—on the basis of which no responsive documents in Defendants' possession, custody or control have been withheld—Defendants refer Plaintiffs to their response to Request No. 1.

**REQUEST NO. 3:** All documents relating to the removal of FFRF's display from the State Capitol.

**RESPONSE:** Defendants refer Plaintiff to their response to Request No. 4. Defendants also refer Plaintiff to their Motion to Dismiss Plaintiff's First Amended Complaint, and the evidence appended thereto.

**REQUEST NO. 4:** All documents relating to Governor Abbott's letter to John Sneed on December 21, 2015, concerning FFRF's display in the State Capitol.

**RESPONSE:** Defendants produce documents Bates numbered D000016-D000023. Defendants also refer Plaintiff to their Motion to Dismiss Plaintiff's First Amended Complaint, and the evidence appended thereto.

**REQUEST NO. 5:** All documents relating to any communications to or from Governor Abbott relating to FFRF's Bill of Rights display in the State Capitol.

**RESPONSE:** Defendants refer Plaintiff to their Motion to Dismiss Plaintiff's First Amended Complaint, and the evidence appended thereto.

**REQUEST NO. 6:** All documents relating to any drafts of Governor Abbott's December 21, 2015, letter to John Sneed regarding FFRF's Bill of Rights display.

**RESPONSE:** Defendants refer Plaintiff to their response to Request No. 4.

**REQUEST NO. 7:** All documents relating to any communications by Governor Abbott to reporters or journalists relating to FFRF's Bill of Rights display.

**RESPONSE:** Defendants object that this request as a fishing expedition because it is not calculated to lead to the discovery of relevant evidence. Subject to and without waiver of the forgoing objection—on the basis of which no responsive documents in Defendants’ possession, custody or control have been withheld—Defendants respond that they have no such documents in their possession, custody or control.

**REQUEST NO. 8:** All documents relating to Governor Abbott’s disclosure of his December 21, 2015, letter to John Sneed to any media or journalist.

**RESPONSE:** Defendants object to this request as a fishing expedition because it is not calculated to lead to the discovery of relevant evidence. Subject to and without waiver of the forgoing objection—on the basis of which no responsive documents in Defendants’ possession, custody or control have been withheld—Defendants respond that they have no such documents in their possession, custody or control.

**REQUEST NO. 9:** All documents relating to any communications between Governor Abbott and the State Preservation Board, including John Sneed, relating to the removal of FFRF’s Bill of Rights display from the State Capitol.

**RESPONSE:** Defendants refer Plaintiffs to their response to Request No. 4.

**REQUEST NO. 10:** All documents relating to any communication received or sent relating to the removal of FFRF’s Bill of Rights display from the State Capitol.

**RESPONSE:** Defendants refer Plaintiffs to their response to Request No. 4.

**REQUEST NO. 11:** All documents relating to any application to display a nativity scene in the State Capitol in 2013, 2014, and/or 2015.

**RESPONSE:** Defendants produce documents Bates numbered D000024-D000072 and D000819-D000821.

**REQUEST NO. 12:** All documents relating to any communication to or from Governor Abbott regarding the display of a nativity scene in the State Capitol in 2014 and 2015.

**RESPONSE:** Defendants respond that they have no such documents in their possession, custody or control.

**REQUEST NO. 13:** All documents relating to any communications to or from the State Preservation Board relating to the display of a nativity scene in the State Capitol in 2014 and/or 2015.

**RESPONSE:** Defendants refer Plaintiff to their response to Request No. 11.

**REQUEST NO. 14:** All documents relating to any communications with the Texas Nativity Scene Project.

**RESPONSE:** Defendants object to this request as overly broad. Defendants further objects that this is a fishing expedition because it is not calculated to lead to the discovery of relevant evidence, and is not proportional to the claims alleged in the case. Subject to and without waiver of the forgoing objections—on the basis of which no responsive documents in Defendants' possession, custody or control have been withheld—Defendants respond that they have no such documents in their possession, custody or control.

**REQUEST NO. 15:** All documents relating to any communications with Trey Trainor relating to the display of a nativity scene in the State Capitol.

**RESPONSE:** Defendants object to this request as overly broad. Defendants further object that this is a fishing expedition because it is not calculated to lead to the discovery of relevant evidence, and is not proportional to the claims alleged in the case. Subject to and without waiver of the forgoing objections—on the basis of which no responsive documents in Defendants' possession, custody or control have been withheld—Defendants respond that they have no such documents in their possession, custody or control.

**REQUEST NO. 16:** All documents relating to any communications with Joseph Behnke relating to the display of a nativity scene in the State Capitol.

**RESPONSE:** Defendants object to this request as overly broad. Defendants further object that this is a fishing expedition because it is not calculated to lead to the discovery of relevant evidence, and is not proportional to the claims alleged in the case. Subject to and without waiver of the forgoing objections—on the basis of which no responsive documents in Defendants' possession, custody or control have been withheld—Defendants produce documents Bates numbered D000819-D000821.

**REQUEST NO. 17:** All documents relating to any communications with the Thomas More Society relating to the display of a nativity scene in the State Capitol.

**RESPONSE:** Defendants object to this request as overly broad. Defendants further object that this is a fishing expedition because it is not calculated to lead to the discovery of relevant evidence, and is not proportional to the claims alleged in the case. Subject to and without waiver of the forgoing objections—on the basis of which no responsive documents in Defendants' possession, custody or control have been withheld—Defendants produce documents Bates numbered D000024-D000072.

**REQUEST NO. 18:** All documents relating to any communications with Tom Brejcha relating to the display of a nativity scene in the State Capitol.

**RESPONSE:** Defendants object to this request as overly broad. Defendants further object that this is a fishing expedition because it is not calculated to lead to the discovery of relevant evidence, and is not proportional to the claims alleged in the case. Subject to and without waiver of the

forsaking objections—on the basis of which no responsive documents in Defendants' possession, custody or control have been withheld—Defendants respond that they have no such documents in their possession, custody or control.

**REQUEST NO. 19:** All documents relating to any comments by the State Preservation Board or Governor Abbott relating to the display of a nativity scene in the State Capitol in 2014 and/or 2015, as well as documents relating to the consideration of whether to approve a display of a nativity scene by the State Preservation Board.

**RESPONSE:** Defendants refer Plaintiffs to their response to Request No. 11.

**REQUEST NO. 20:** All documents relating to any policies and procedures utilized by the State Preservation Board in processing applications to display or exhibit in the State Capitol.

**RESPONSE:** Defendants refer Plaintiff to their Motion to Dismiss Plaintiff's First Amended Complaint, the evidence appended thereto, and governing statutes cited therein.

**REQUEST NO. 21:** All documents relating to the denial by the State Preservation Board of any application to exhibit or display in the State Capitol between January 1, 2013, and the present.

**RESPONSE:** Defendants respond that they have no such documents in their possession, custody or control.

**REQUEST NO. 22:** All documents relating to any application granted by the State Preservation Board to display or exhibit in the State Capitol between January 1, 2013, and the present.

**RESPONSE:** Defendants object to this request as overly broad. Defendants further object that this is a fishing expedition because it is not calculated to lead to the discovery of relevant evidence, and is not proportional to the claims alleged in the case. Subject to and without waiver of the forgoing objections—on the basis of which no responsive documents in Defendants' possession, custody or control have been withheld—Defendants produce documents Bates numbered D000073-D000996. Defendants also produce documents Bates numbered D000073-D000078. This application has been submitted to the Board, and is pending.

**REQUEST NO. 23:** All documents relating to any investigation of FFRF.

**RESPONSE:** Defendants object to this request as overly broad, and vague as to the phrase "any investigation." Defendants further object that this is a fishing expedition because it is not calculated to lead to the discovery of relevant evidence, and is not proportional to the claims alleged in the case. Subject to and without waiver of the forgoing objections—on the basis of which no responsive documents in Defendants' possession, custody or control have been withheld—Defendants respond that they have no such documents in their possession, custody or control.

**REQUEST NO. 24:** All documents relating to any exhibit or display prematurely removed by the State Preservation Board while approved for display or exhibit.

**RESPONSE:** Defendants respond that they have no such documents in their possession, custody or control.

**REQUEST NO. 25:** All documents relating to any advice, comments, or recommendations received by Governor Abbott prior to his December 21, 2015, letter to John Sneed regarding FFRF's display.

**RESPONSE:** Defendants object to this request as overly broad as to the phrase "prior to his December 21, 2015 letter." Defendants further object that this is a fishing expedition because it is not calculated to lead to the discovery of relevant evidence, and is not proportional to the claims alleged in the case. Subject to and without waiver of the forgoing objections—on the basis of which no responsive documents in Defendants' possession, custody or control have been withheld—Defendants refer Plaintiffs to their response to Request No. 4.

## Internal Request Form - Event/Exhibit Summary Sheet

Date Initial Request Received: 2/22/13

Area Requested: GFR

Date/Time Requested: 5/12 - 5/19 2013

Name of Group Requesting Use: AUSTIN JEWISH ACADEMY

Contact for Group: SUSAN SLOMANITZ / MARK VANE

Telephone Number: 512 735 8350 Email Address: (Forms)

Purpose of Event/Exhibit:

Legislative Sponsor: REP. HOWARD

Contact Name in Member's Office/Telephone #: BROOICE

Notes:

Entered on Outlook Calendar

Entered in CARRS

Application Received

DPS Notified (drive/dock access)

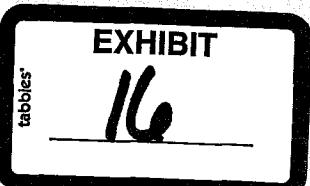
Sponsorship Form Received

Electrician Notified (if applicable)

Fee Received/Amount: \$ \_\_\_\_\_

Grounds Staff Notified (tents/trash)

Loading Dock/Drive Access Information Received (if applicable)



2013-02-22 13:47

Received:

Rep. Howard

Feb 22 2013 01:44pm

(512) 463-0901 &gt;&gt;

15124753366 P 1/3

RECEIVED

FEB 22 2013

State Preservation Board



## STATE PRESERVATION BOARD

REQUEST FOR EXHIBITS  
IN THE CAPITOL AND  
CAPITOL EXTENSIONCONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 475-3366

**Instructions:** Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

\*\* Exhibits are prohibited in the Capitol Rotunda.

\*\* There are no electrical outlets in the Central Galleries on the E2 level.

2. Exhibit Name Austin Jewish Academy's Exhibit of Young Artists  
 3. Date(s) and time(s) requested May 12 - 19th (Setup and take down in mornings)  
 4. Sponsoring Organization Austin Jewish Academy  
 5. State Official Sponsor Representative Donna Howard  
(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)

6. Contact Name: Susan Slomowitz  
 7. Address: Austin Jewish Academy 7302 Third Lane Austin TX 78731  
 8. Phone Number 512 735-8350 Fax Number 512 735-8351  
 Email Address SUSAN.SLOMOLOWITZ@austinjewish-academy.org

9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.  
 School-wide art exhibit for K-8th grade students.  
 Art includes various media (painting, drawing, etc.)  
 We will bring display tables, cases, shelving, etc. as needed.

D000104

Received:

Feb 22 2013 01:44pm

2013-02-22 13:47

Rep. Howard

(512) 463-0901 >>

15124753366 P 2/3

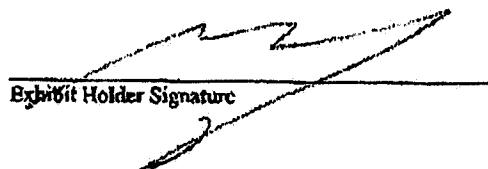
10. Purpose of exhibit.

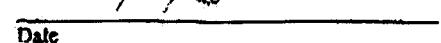
Community outreach

11. Exhibit time schedule. Please be specific.

Set up date and time: Sun. May 12 9am End date and time: Sun. May 19 9am

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

  
Exhibit Holder Signature

2/11/13  
  
Date

## Internal Request Form - Event/Exhibit Summary Sheet

Date Initial Request Received: 2/20/13

Area Requested: NORTH GALLERIA Date/Time Requested: 4/9/13

Name of Group Requesting Use: OUR LADY QUEEN OF PEACE

Contact for Group: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Purpose of Event/Exhibit: EXHIBIT

Legislative Sponsor: REP BONHEN

Contact Name in Member's Office/Telephone #: SHEILA

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Entered on Outlook Calendar

Entered in CARRS

Application Received

DPS Notified (drive/dock access)

Sponsorship Form Received

Electrician Notified (if applicable)

Fee Received/Amount: \$ \_\_\_\_\_

Grounds Staff Notified (tents/trash)

Loading Dock/Drive Access Information Received (if applicable)

EXHIBIT

17

tabbles

Received: Feb 20 2013 10:35am  
2013-02-20 10:38 Rep. Bonnen (512)463-8414 >> 15124753366 P 2/2

**State Preservation Board Event & Exhibit Sponsorship**

Event/Exhibit Name:

Our Lady Queen of Peace Catholic School - Richwood, TX

**RECEIVED**

FEB 20 2013

Event/Exhibit Date(s):

April 9, 2013

State Preservation Board

Event/Exhibit Location:

(South Steps, Grounds, Rotunda, Open Air Rotunda, South or North Central Gallery,  
Ground Floor Rotunda, Auditorium)

Purpose of Event: Catholic Advocacy Day - OLQP Art Exhibit

Office Sponsoring Event:

Rep. Dennis Bonnen

Signature of State Official Sponsor:

Dennis Bonnen

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Please fax completed form to the Capitol Events Coordinator at 512-475-3366 or Email to Capitol.Events@tspb.state.tx.us.



## STATE PRESERVATION BOARD

**REQUEST FOR EXHIBITS  
IN THE CAPITOL AND  
CAPITOL EXTENSION**

**CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 475-3366**

**Instructions:** Please complete the entire application. Incomplete applications will not be considered.  
If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or  
[Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:        Ground Floor Rotunda (Capitol Building, basement level)  
                         South Central Gallery  
                         North Central Gallery

\*\* Exhibits are prohibited in the Capitol Rotunda.

\*\*There are no electrical outlets in the Central Galleries on the E2 level.

2. Exhibit Name Our Lady Queen of Peace Art Quilts  
 3. Date(s) and time(s) requested April 9th  
 4. Sponsoring Organization Our Lady Queen of Peace Catholic School  
 5. State Official Sponsor Dennis Bonner  
(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)  
 6. Contact Name: Barbara White  
 7. Address: 1600 Highway 2004 Richmond, Tx 77531  
 8. Phone Number 979-265-3909 Fax Number 979-265-9780  
 Email Address bwhite@olqpschool.org  
 9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.

Quilt made with squares created by  
 1st grade from Van Gogh paintings. Quilt will  
 measure approx 5' x 6'. Same by junior high. D000225

MAR-4-2013 09:20A FROM:OUR LADY QUEEN OF PE 9792659780

TO:15124638414

P.5/8

10. Purpose of exhibit.

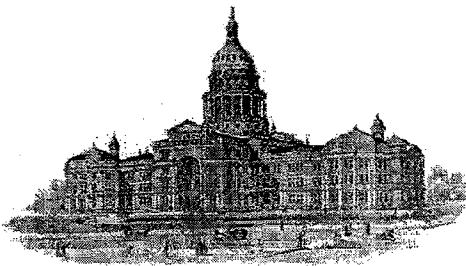
11. Exhibit time schedule. Please be specific.

Set up date and time: April 9 End date and time: April 9

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

Bailey J. White  
Exhibit Holder Signature

3/4/13  
Date



### STATE PRESERVATION BOARD

#### REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION

CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 475-3366

Instructions: Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:

Ground Floor Rotunda (Capitol Building, basement level)

South Central Gallery

North Central Gallery

\*\* Exhibits are prohibited in the Capitol Rotunda.

\*\*There are no electrical outlets in the Central Galleries on the E2 level.

2. Exhibit Name Young Conservatives of Texas Foundation

3. Date(s) and time(s) requested Feb 9, 2013, 12PM to 5PM

4. Sponsoring Organization Young Conservatives of Texas Foundation

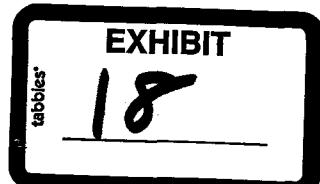
5. State Official Sponsor State Representative Phil King  
(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)

6. Contact Name: Jeff Morris

7. Address: PO BOX 1888, Rowlett, TX 75030-1888

8. Phone Number 214-908-1091 Fax Number 512-824-0141  
Email Address chairman@yct.org

9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.  
We will need to have tables for approximately 15 to 20 exhibitors who represent organizations that promote limited government, lower taxes and public policy analysis.



10. Purpose of exhibit.

The idea is to connect college students with established organizations that promote conservative values.

11. Exhibit time schedule. Please be specific.

Set up date and time: 02/09/2012, 12 PM

End date and time: 02/09/2012, 5PM

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

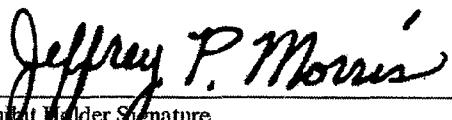


Exhibit Holder Signature

Date

**State Preservation Board Event & Exhibit Sponsorship**

**Event/Exhibit Name:**

Young Conservatives of Texas

**Event/Exhibit Date(s):**

Saturday, February 9th from 8:00am to 5:00 pm

**Event/Exhibit Location:**

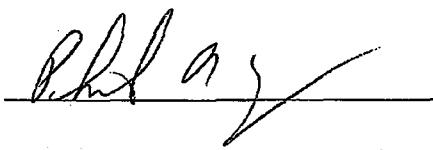
South Central Gallery

(South Steps, Grounds, Rotunda, Open Air Rotunda, South or North Central Gallery,  
Ground Floor Rotunda, Auditorium)

**Purpose of Event:** annual convention

**Office Sponsoring Event:** State Representative Phil King

**Signature of State Official Sponsor:**



**Please fax completed form to the Capitol Events Coordinator at 512-475-3366 or Email to Capitol.Events@tspb.state.tx.us.**

**Robert Davis**

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**Subject:** House District Art Show  
**Location:** South Gallery

**Start:** Mon 12/16/2013 12:00 AM  
**End:** Sat 1/4/2014 12:00 AM

**Show Time As:** Free

**Recurrence:** (none)

**Organizer:** SPB ExhibitsCal

DATE INITIAL REQUEST RECEIVED: **12/5/13**

NAME OF GROUP REQUESTING USE: **District 46**

CONTACT FOR GROUP: **KiYa Moghaddam**

TELEPHONE NUMBER: **30506**

EMAIL: **outlook**

PURPOSE OF EVENT / EXHIBIT: **Recognizing Families and Elementary Students of District 46**

LEGISLATIVE SPONSOR: **Rep. Dukes**

NUMBER OF ATTENDEES:

CONTACT NAME / NUMBER IN MEMBER'S OFFICE:

NOTES:

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Entered on Outlook Calendar

Entered in CARRS

Application Received

DPS Notified (drive/dock access)

Sponsorship Form Received

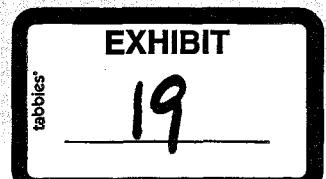
Electrician or Media Staff Notified

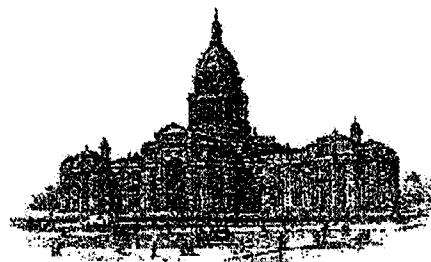
Fee Received/Amount: \$ \_\_\_\_\_

SPB Staff Notified (setup/tents/trash)

Dock/Drive Access Received (if applicable)

Additional \_\_\_\_\_





## STATE PRESERVATION BOARD

### REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION

\* CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 463-3372

**Instructions:** Please complete the entire application. Incomplete applications will not be considered.  
If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or  
[Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

\*\* Exhibits are prohibited in the Capitol Rotunda.

\*\*There are no electrical outlets in the Central Galleries on the E2 level.

2. Exhibit Name	District 46 Holiday Art Project		
3. Date(s) and time(s) requested	12/16/13-1/6/14		
4. Sponsoring Organization	Rep. Dawnna Dukes		
5. State Official Sponsor	Rep. Dawnna Dukes <i>(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)</i>		
6. Contact Name:	KiYa Moghaddam		
7. Address:	E1.504		
8. Phone Number	3-0506	Fax Number	
Email Address <a href="mailto:kiya.moghaddam@house.state.tx.us">kiya.moghaddam@house.state.tx.us</a>			
9.	Description of the exhibit, including a detailed diagram of the dimensions of the space required. Will be using about 10 easels lined on either side of the hallway. Each easel will hold several pieces of artwork created by district elementary students.		

10. Purpose of exhibit.

Recognizing families and elementary students in D46

11. Exhibit time schedule. Please be specific.

12/16/2013, morning

Set up date and time:

1/6/2014, morning

End date and time:

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.



Exhibit Holder Signature

12/6/13

Date

**Robert Davis**

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**Subject:** Leading Age  
**Location:** South Gallery

**Start:** Fri 5/8/2015 12:00 AM  
**End:** Sat 5/16/2015 12:00 AM  
**Show Time As:** Free

**Recurrence:** (none)

**Organizer:** SPB ExhibitsCal

**DATE INITIAL REQUEST RECEIVED:** 1/15/15

**NAME OF GROUP REQUESTING USE:** LeadingAge Texas

**CONTACT FOR GROUP:** Amanda Wiedenfeld

**TELEPHONE NUMBER:** 512 467 2242

**EMAIL:** [Amanda@leadingagetexas.org](mailto:Amanda@leadingagetexas.org)

**PURPOSE OF EVENT / EXHIBIT:** 25<sup>th</sup> Annual Art Inspire

**LEGISLATIVE SPONSOR:** Rep. Smithee

**NUMBER OF ATTENDEES:** n/a

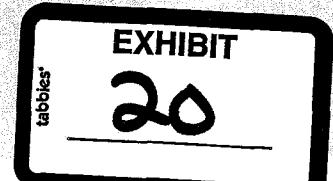
**CONTACT NAME / NUMBER IN MEMBER'S OFFICE:** n/a

**NOTES:**

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- Entered on Outlook Calendar
- Application Received
- Sponsorship Form Received
- Fee Received/Amount: \$ \_\_\_\_\_
- Dock/Drive Access Received (if applicable)

- Entered in CARRS
- Confirmation Email Sent
- Electrician or Media Staff Notified
- DPS Notified (drive/dock access)
- SPB Staff Notified (setup/tents/trash)





## STATE PRESERVATION BOARD

### REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION

CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 463-3372

**Instructions:** Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

**\*\* Exhibits are prohibited in the Capitol Rotunda.**

**\*\*There are no electrical outlets in the Central Galleries on the E2 level.**

2. Exhibit Name LeadingAge Texas Presents: 25th Annual ArtsInspire Exhibit

3. Date(s) and time(s) requested May 8-15, 2015

4. Sponsoring Organization LeadingAge Texas

5. State Official Sponsor Rep. John Smith  
*(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)*

6. Contact Name: Amanda Wiedenfeld

7. Address: 2205 Hancock Drive, Austin, TX 78756

8. Phone Number (512) 467-2242 Fax Number (512) 467-2275  
Email Address amanda@leadingagetexas.org

9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.  
Please see attachment

10. Purpose of exhibit.

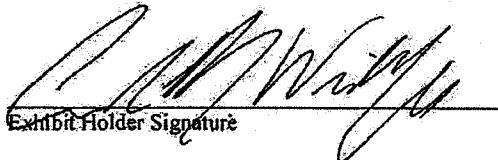
Please see attachment

11. Exhibit time schedule. Please be specific.

Set up date and time: May 8, 2015  
9:30 AM-2:30 PM

End date and time: May 15, 2015  
9:30 AM-2:30 PM

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

  
Exhibit Holder Signature

January 28, 2015

Date



### Attachment: State Preservation Board Event & Exhibit Sponsorship

#### Purpose of Event:

Yearly, in conjunction with the May celebration of Older Americans Month, LeadingAge Texas sponsors an art exhibit to highlight the creativity and talents of older Texans. To celebrate the 25th year of LeadingAge Texas' annual art contest & exhibit, the contest has been given a new name - ArtsInspire (formerly "Art Is Ageless"\*\*)! ArtsInspire encapsulates the idea that whether one continues a lifelong hobby, or pursues a new hobby later in life, *ArtsInspire ageless creativity!*

This is a unique exhibit in that all of the artists are residents of not-for-profit aging services communities and are ages 65 and older. The exhibit serves as a venue to display the artists' artistic abilities and inspires confidence and pride in their work.



## STATE PRESERVATION BOARD

### REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION

CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 475-3366

Instructions: Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:

- Ground Floor Rotunda (Capitol Building, basement level)
- South Central Gallery
- North Central Gallery

**\*\* Exhibits are prohibited in the Capitol Rotunda.**

**\*\*There are no electrical outlets in the Central Galleries on the E2 level.**

2. Exhibit Name Odyssey School Art [REDACTED] Exhibition

3. Date(s) and time(s) requested 05/11 - 05/12 [REDACTED] 5/12 - 5/18  
2013

4. Sponsoring Organization \_\_\_\_\_

5. State Official Sponsor  
*(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)*

6. Contact Name: Mandy Springer : Odyssey School

7. Address: 4407 Red River St Austin TX 78751

8. Phone Number (606) 571 6685 Fax Number \_\_\_\_\_

9. Email Address Springer @ odyssey school . com

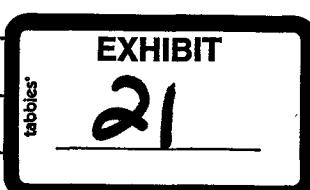
Description of the exhibit, including a detailed diagram of the dimensions of the space required.

Student exhibition : including 8 middle + high - school  
Students showing work based around the  
different regions, geography + cultures of  
Texas.

EXHIBIT

21

tables



D000218

10. Purpose of exhibit.

Art Student annual exhibition

11. Exhibit time schedule. Please be specific.

Set up date and time: 05/11/13 noon End date and time: 05/25/13

These dates are flexible.

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

Mandy Snn  
Exhibit Holder Signature

2/3/13  
Date

## Internal Request Form - Event/Exhibit Summary Sheet

Date Initial Request Received: 1/10/13

Area Requested: GFR Date/Time Requested: 5/6-5/9 2013

Name of Group Requesting Use: REP. MARY GONZALEZ

Contact for Group: JOEL ZAPATA

Telephone Number: 3-0613 Email Address: \_\_\_\_\_

Purpose of Event/Exhibit: DISTRICT 75 ART SHOW

Legislative Sponsor: REP. GONZALEZ

Contact Name in Member's Office/Telephone #: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Entered on Outlook Calendar

Entered in CARRS

Application Received

DPS Notified (drive/dock access)

Sponsorship Form Received

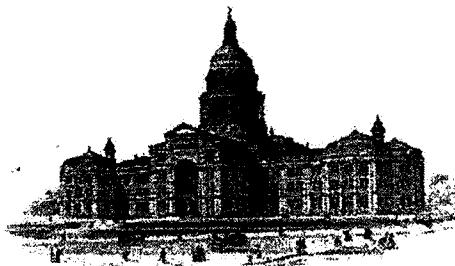
Electrician Notified (if applicable)

Fee Received/Amount: \$ \_\_\_\_\_

Grounds Staff Notified (tents/trash)

Loading Dock/Drive Access Information Received (if applicable)





## STATE PRESERVATION BOARD

### REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION

CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 475-3366

Instructions: Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

**\*\* Exhibits are prohibited in the Capitol Rotunda.**

**\*\*There are no electrical outlets in the Central Galleries on the E2 level.**

2. Exhibit Name District 75 Art Show, El Paso County
3. Date(s) and time(s) requested May 6-9, 2013
4. Sponsoring Organization Representative Mary E. Gonzalez
5. State Official Sponsor Representative Mary E. Gonzalez  
*(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)*
6. Contact Name: Joel Zapata
7. Address: Texas House of Representatives P.O. Box 2910, Room E1. 218 Austin, TX 78768-2910
8. Phone Number (512) 463-0613 Fax Number (512) 463-1237  
Email Address jzapata4@miners.utep.edu
9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.

10. Purpose of exhibit.

Local Art Show

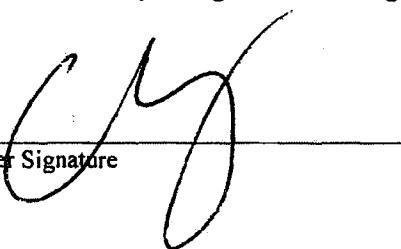
11. Exhibit time schedule. Please be specific.

Set up date and time: May 5, 2013 8 am

End date and time: May 9, 2013 9 pm

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

Exhibit Holder Signature



Date

11/01/13

## Internal Request Form - Event/Exhibit Summary Sheet

Date Initial Request Received: 4/2/13

Area Requested: NORTH GALLERIA Date/Time Requested: 4/11/13 10AM-3pm

Name of Group Requesting Use: TEXAS CHIROPRACTIC ASSOCIATION

Contact for Group: JOHN DALBY

Telephone Number: 477 9272 Email Address: Marky@chirotexas.org

Purpose of Event/Exhibit: CHAIR MASSAGES

Legislative Sponsor: REP. TOTH

Contact Name in Member's Office/Telephone #: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Entered on Outlook Calendar

Entered in CARRS

Application Received

DPS Notified (drive/dock access)

Sponsorship Form Received

Electrician Notified (if applicable)

Fee Received/Amount: \$ \_\_\_\_\_

Grounds Staff Notified (tents/trash)

Loading Dock/Drive Access Information Received (if applicable)





## STATE PRESERVATION BOARD

### REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION

CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 475-3366

**Instructions:** Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [CapitolEvents@tspb.state.tx.us](mailto:CapitolEvents@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

**\*\* Exhibits are prohibited in the Capitol Rotunda.**

**\*\*There are no electrical outlets in the Central Galleries on the E2 level.**

2. Exhibit Name Texas Chiropractic Association
3. Date(s) and time(s) requested Apr 11, 2013 10am-3pm
4. Sponsoring Organization TCA
5. State Official Sponsor Rep. Steve Toth/ CoS Amy Lane 512-463-0797  
*(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)*
6. Contact Name: John Darby
7. Address: 1122 Colorado St., Ste. 307 Austin, TX 78701
8. Phone Number 512-477-9292 Fax Number 512-477-9296  
Email Address jdarby@chirotx.org
9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.  
**5-6 Massage Chairs lined up in a row.**

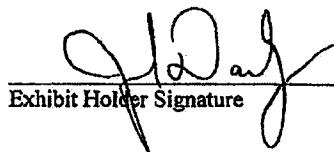
10. Purpose of exhibit.

To give free massages to those who work at the Cap.

11. Exhibit time schedule. Please be specific.

Set up date and time: Apr 11 9am End date and time: Apr 11 4pm

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

  
\_\_\_\_\_  
Exhibit Holder Signature

04/02/2013

\_\_\_\_\_  
Date

## Internal Request Form - Event/Exhibit Summary Sheet

Date Initial Request Received: 9-18-12

Area Requested: GFR Date/Time Requested: 2-26-13

Name of Group Requesting Use: TEXAS STATE FLOWISTS ASSN

Contact for Group: DIANNA NORDMAN

Telephone Number: 512 834 0361 Email Address: d.nordman@tsfa.org

Purpose of Event/Exhibit: PERSONALITIES IN BLOOM

Legislative Sponsor: KOYCHOUST

Contact Name in Member's Office/Telephone #: \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Entered on Outlook Calendar

Entered in CARRS

Application Received

DPS Notified (drive/dock access)

Sponsorship Form Received

Electrician Notified (if applicable)

Fee Received/Amount: \$ \_\_\_\_\_

Grounds Staff Notified (tents/trash)

Loading Dock/Drive Access Information Received (if applicable)





## STATE PRESERVATION BOARD

### REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION

CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 475-3366

**Instructions:** Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

\*\* Exhibits are prohibited in the Capitol Rotunda.

\*\*There are no electrical outlets in the Central Galleries on the E2 level.

2. Exhibit Name "Personalities in Bloom"

3. Date(s) and time(s) requested February 26, 2013 8:00 am - 5:00 pm

4. Sponsoring Organization Texas State Florists' Association

5. State Official Sponsor Representative Lois Kolkhorst  
*(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)*

6. Contact Name: Dianna Nordman

7. Address: P.O. Box 170760 Austin, TX 78717

8. Phone Number 512-834-0361 Fax Number 512-834-2150  
Email Address dnordman@tsfa.org

9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.

The display will consist of flowers and Texas Grown plants highlighting flowers and their personality traits. This display set-up will be similar to the Texas State Florists' assn. March 2009 display in the Ground Floor Rotunda. Will use six 8 ft tables with floral displays and one larger display in the center of the Rotunda.

10. Purpose of exhibit.

Public awareness of agriculture floral items and Texas Grown plants.

11. Exhibit time schedule. Please be specific.

Set up date and time: 2/26/13 at 8:00 am

End date and time: 2/26/13 @ 5:00 pm

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

Maria Jordan  
Exhibit Holder Signature

September 21, 2012

Date

Attn: Robert Davis

**Robert Davis**

**Subject:** Arlington Student Art Show  
**Location:** South Central Gallery

**Start:** Sun 6/8/2014 [REDACTED]  
**End:** Sun 6/15/2014 [REDACTED] 10:00 AM  
**Show Time As:** Free

**Recurrence:** (none)

**Organizer:** SPB ExhibitsCal

DATE INITIAL REQUEST RECEIVED: **1/6/14**

NAME OF GROUP REQUESTING USE: **Arlington ISD**

CONTACT FOR GROUP: **Linh Nguyen**

TELEPHONE NUMBER: **682 867 7502**

EMAIL: [Inguyen@aisd.net](mailto:Inguyen@aisd.net)

PURPOSE OF EVENT / EXHIBIT: **Public display of student art work**

LEGISLATIVE SPONSOR: **Rep. Diane Patrick**

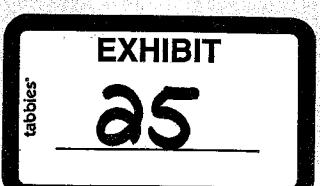
NUMBER OF ATTENDEES: **N/A**

CONTACT NAME / NUMBER IN MEMBER'S OFFICE:

NOTES:

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- Entered on Outlook Calendar
- Application Received
- Sponsorship Form Received
- Fee Received/Amount: \$ \_\_\_\_\_
- Dock/Drive Access Received (if applicable)
- Entered in CARRS
- DPS Notified (drive/dock access)
- Electrician or Media Staff Notified
- SPB Staff Notified (setup/tents/trash)
- Additional \_\_\_\_\_





## STATE PRESERVATION BOARD

### REQUEST FOR EXHIBITS IN THE CAPITOL AND CAPITOL EXTENSION

CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 463-3372

**Instructions:** Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

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\*\*There are no electrical outlets in the Central Galleries on the E2 level.

2.	Exhibit Name	Arlington ISD Art Exhibition
3.	Date(s) and time(s) requested	June 8-June 14
4.	Sponsoring Organization	Representative Diane Patrick
5.	State Official Sponsor <i>(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)</i>	Representative Diane Patrick
6.	Contact Name:	Linh Nguyen
7.	Address:	1111 W. Arbrook Blvd., Arlington, TX 76015
8.	Phone Number	682-867-7502
	Fax Number	817-419-1424
	Email Address	lnguyen@aisd.net
9.	Description of the exhibit, including a detailed diagram of the dimensions of the space required. The exhibition will be displayed at the South Central Gallery of the State Capitol. All artwork will be on easels and placed between columns. There will be a total of 50 pieces of artwork.	

10. Purpose of exhibit.

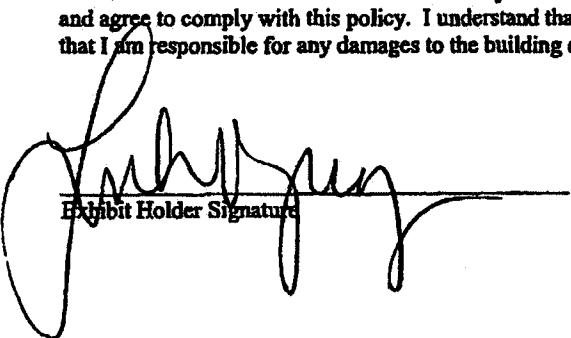
Provide opportunities for our students to be recognized for their artistic achievements and to provide them with an experience of visiting the Capitol Building.

11. Exhibit time schedule. Please be specific.

Set up date and time: 6/8/14 approx. 3:00pm

End date and time: 6/14/14 3:30pm

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

  
Exhibit Holder Signature

1/6/14

Date

**Robert Davis**

---

**Subject:** Lone Star Artist Award  
**Location:** GFR

**Start:** Mon 6/23/2014 12:00 AM  
**End:** Fri 6/27/2014 12:00 AM  
**Show Time As:** Free

**Recurrence:** (none)

**Organizer:** SPB ExhibitsCal

DATE INITIAL REQUEST RECEIVED: **2/12/13**

NAME OF GROUP REQUESTING USE: **Southlake Women's Club Art in the Square**

CONTACT FOR GROUP: **Amanda Calogne**

TELEPHONE NUMBER: **817 807 8010**

EMAIL: [Amanda.calogne@house.state.tx.us](mailto:Amanda.calogne@house.state.tx.us)

PURPOSE OF EVENT / EXHIBIT: **Showcase the winning artist from District 98**

LEGISLATIVE SPONSOR: **Rep. Capriglione**

NUMBER OF ATTENDEES: **n/a**

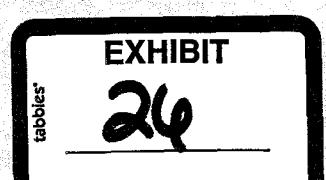
CONTACT NAME / NUMBER IN MEMBER'S OFFICE: **Amanda Calongne**

NOTES:

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- Entered on Outlook Calendar
- Application Received
- Sponsorship Form Received
- Fee Received/Amount: \$ \_\_\_\_\_
- Dock/Drive Access Received (if applicable)

- Entered in CARRS
- DPS Notified (drive/dock access)
- Electrician or Media Staff Notified
- SPB Staff Notified (setup/tents/trash)
- Additional \_\_\_\_\_



2014-03-06 16:07

Rep. Capriglione

(817)431-9885 &gt;&gt;

512 463 3372 P 1/3



### STATE PRESERVATION BOARD

**REQUEST FOR EXHIBITS  
IN THE CAPITOL AND  
CAPITOL EXTENSION**
**CONTACT: Capitol Events Coordinator  
(512) 463-3051  
FAX (512) 463-3372**

**Instructions:** Please complete the entire application. Incomplete applications will not be considered. If you have any questions, please contact the Capitol Events Coordinator at (512) 463-3051 or [Capitol.Events@tspb.state.tx.us](mailto:Capitol.Events@tspb.state.tx.us).

1. Check One:  Ground Floor Rotunda (Capitol Building, basement level)  
 South Central Gallery  
 North Central Gallery

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**\*\*There are no electrical outlets in the Central Galleries on the E2 level.**

2. Exhibit Name Lone Star Artist Award  
 3. Date(s) and time(s) requested June 23-27  
 4. Sponsoring Organization Southlake Women's Club Art in the Square  
 5. State Official Sponsor Rep. Giovanni Capriglione  
*(Required for approval of all events and exhibits at the Texas State Capitol. Must be the Governor, the Lieutenant Governor, the Speaker, a State Senator, or a State Representative. Applications are considered incomplete without a letter of sponsorship from a State Official Sponsor.)*

6. Contact Name: Amanda Calongne  
 Address: P.O. Box 770, Keller, TX 76244

7. Phone Number 817-807-8010 Fax Number \_\_\_\_\_  
 Email Address amanda.calongne@house.state.tx.us

9. Description of the exhibit, including a detailed diagram of the dimensions of the space required.  
 Winner for exhibit will be selected April 4th. One piece of original framed student artwork. I will provide dimentions at that time.

2014-03-06 16:07 Rep. Capriglione (817)431-9885 >> 512 463 3372 P 2/3

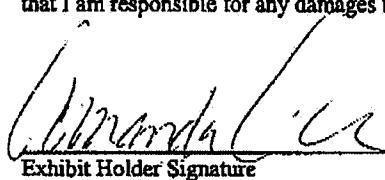
10. Purpose of exhibit.

Showcase a piece student artwork from District 98

11. Exhibit time schedule. Please be specific.

Set up date and time: \_\_\_\_\_ End date and time: \_\_\_\_\_

I have read the State Preservation Board Policy for Exhibits in the Ground Floor Rotunda and the Capitol Extension and agree to comply with this policy. I understand that all exhibits are subject to cancellation. In addition, I understand that I am responsible for any damages to the building or grounds as a result of my exhibit.

  
\_\_\_\_\_  
Exhibit Holder Signature

3/5/14

\_\_\_\_\_  
Date